

1937

## c 62 Power Commission Act

Ontario

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6. *HYDRO-ELECTRIC POWER DEVELOPMENT*

## CHAPTER 62.

## The Power Commission Act.

## INTERPRETATION.

1. In this Act, unless the contrary intention appears,— Interpreta-  
tion.
- (a) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; R.S.O. 1927, c. 57, s. 1, cl. (a). "Commis-  
sion."
- (b) "Land" shall mean real property of whatsoever nature or kind, and shall include tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land; "Land."
- (c) "Owner" shall include mortgagee, lessee, tenant, occupant, or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested; 1931, c. 13, s. 2. "Owner."
- (d) "Power" shall include hydraulic, electrical, steam, gas or other power and shall also include energy; "Power."
- (e) "Supply" shall include delivery, dealing in, and sale; 1935, c. 54, s. 2 (2). "Supply."
- (f) "Works" shall include all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, delivery, sale or use of hydraulic, electrical, steam, gas or other power or energy; R.S.O. 1927, c. 57, s. 1, cl (b); 1935, c. 54, s. 2 (1). "Works."

"From time  
to time."

(g) if a power is conferred or a duty imposed on the Commission, the power may be exercised and the duty shall be performed from time to time as occasion requires. R.S.O. 1927, c. 57, s. 1, cl. (c).

## PART I.

### THE COMMISSION.

Constitution  
of  
Commission.

2. The Commission, as now constituted, shall, for the purposes herein mentioned, continue to be a body corporate, and shall consist of three persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council of Ontario. R.S.O. 1927, c. 57, s. 2.

Chairman.

3. The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman of the Commission, and two members shall form a quorum. R.S.O. 1927, c. 57, s. 3.

Quorum.

Tenure of  
office.

4. Every person appointed to the Commission shall hold office during pleasure, and the Lieutenant-Governor in Council, upon the death, resignation or removal from office of any member of the Commission, may appoint some other person in his place. R.S.O. 1927, c. 57, s. 4.

Vacancies.

Remunera-  
tion of Com-  
missioners.

5.—(1) An amount not exceeding \$45,000 may be paid annually for the services of the chairman and the other members of the Commission, who shall receive from the said amount such sums as may be determined by the Lieutenant-Governor in Council, and the said sums shall be deemed to be part of the administration expenses of the Commission.

Seat in  
Assembly  
not vacated.

Rev. Stat.,  
c. 12.

(2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Commission, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly. R.S.O. 1927, c. 57, s. 5.

Officers and  
employees.

6.—(1) The Commission may appoint a chief engineer, an accountant and a secretary, and such other officers and employees as may be deemed requisite, and determine their salaries and other remuneration. R.S.O. 1927, c. 57, s. 6 (1).

- (2) (a) The salaries, remuneration and expenses of persons appointed or employed by the Commission, as well as any other expenses of the Commission, shall be apportioned by the Commission among, and shall be chargeable to, the various works and undertakings carried on by the Commission upon which such persons are employed, but any portion of such salaries, remuneration and expenses which are not properly chargeable to such works or undertakings and which are earned or incurred in the performance of work or services other than those rendered in respect of works or undertakings of the Commission under contract with municipal corporations shall be chargeable to and payable out of such moneys as may be appropriated for that purpose by the Legislature. R.S.O. 1927, c. 57, s. 6 (2).

- (b) Expenditure heretofore or hereafter incurred by the Commission,

- (i) for works or services in carrying out the directions of the Lieutenant-Governor in Council or for which the Commission has had other proper authority and which have not already been included in the cost of power to municipalities under contract with the Commission but which, in the opinion of the Commission, have proved or may ultimately prove beneficial to municipal corporations under contract with the Commission for a supply of power, or to municipal corporations which may from time to time thereafter enter into such contracts;
- (ii) deemed necessary or desirable by the Commission in the interests of municipal corporations then or that may thereafter be under contract with the Commission for a supply of power, in carrying on, promoting or extending the operations of the Commission in connection with the generation, distribution or supply of power or for any work or service deemed by the Commission incidental thereto,

may be included by the Commission as part of the cost of supplying electrical power or energy to any of such corporations, and shall be apportioned by the Commission as provided in this section and section 61. 1929, c. 20, s. 2.

- (3) The apportionment by the Commission of such salaries remuneration and expenses shall be final.



No action  
against  
Commission  
without  
consent of  
Attorney-  
General.

(4) Without the consent of the Attorney-General, no action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office.

(NOTE.—*For Statutory interpretation of this subsection, see 1937, chapter 58.*)

Non-liability  
for errors  
in estimates,  
plans, etc.

(5) Neither the Province nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimate, plan or specification prepared or furnished by the Commission. R.S.O. 1927, c. 57, s. 6 (3-5).

Commission  
property  
exempt.

(6) No property of the Commission, or which is vested in the Commission, or to which the Commission may in any way be entitled, shall be subject to any process of law or proceeding for the purpose of satisfying or enforcing any judgment or order of any court of this Province heretofore or hereafter given, made, entered or issued, and for the purpose aforesaid, the Commission shall have with respect to all its property all the exemptions, privileges and immunities which are possessed by the Crown with respect to the property of the Crown.

No process  
to issue  
against  
Commission.

(7) No execution, garnishment, attachment, receivership, sequestration, or any process of law or proceeding for satisfying or enforcing any judgment or order of any court of the Province heretofore or hereafter given, made, entered or issued against the Commission shall issue or be taken against the Commission or against any member, officer or servant of the Commission, or against any property of the Commission.

No process  
to be  
executed  
against  
Commission.

(8) No sheriff, bailiff, officer of any court, or other person whosoever, shall, by himself or by his agent, servant or employee, execute or carry out, or assist in executing or carrying out, any execution, garnishment, attachment, receivership, sequestration or any process of law or proceeding against the Commission, or against any member, officer or servant of the Commission, or against any property of the Commission, for enforcing or satisfying any judgment or order of any court of the Province heretofore or hereafter given, made, entered or issued against the Commission.

Judgment  
or order not  
to create or  
constitute  
debt or  
liability.

(9) No judgment or order heretofore or hereafter given, made, entered or issued by any court of the Province against the Commission shall create or constitute a debt or liability of the Commission. 1937, c. 59, s. 2.

ANNUAL REPORT.

7.—(1) The Commission shall, before the 1st day of <sup>Annual report.</sup> March in each year, make to the Lieutenant-Governor in Council, for the information of the Assembly, an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting— <sup>Statements showing—</sup>

- (a) the actual condition as to the amount and character <sup>Assets and liabilities.</sup> of the assets and liabilities (direct and indirect) of the undertakings conducted by it as on the 31st day of October last preceding;
- (b) a statement with respect to each system or under- <sup>Capital expenditures in year.</sup> taking operated or controlled by the Commission showing—
  - (i) the cash advances in the fiscal year ending on the 31st day of October last preceding, by the Province of Ontario to the Commission, for the construction of works;
  - (ii) the amounts expended by the Commission in the fiscal year, out of such cash advances, on construction of works, and the balance remaining unexpended in the hands of the Commission on the 31st day of October last preceding;
- (c) a statement with respect to the operations of each <sup>Operations of each system.</sup> system for the fiscal year ending on the 31st day of October last preceding, showing—
  - (i) the proportion of the capital cost of the works of the system, allocated or apportioned to each municipality comprised in such system;
  - (ii) the cost to each municipality, as provided to be paid under section 61, of the power supplied thereto in the fiscal year, including its proportionate part of the operating, maintenance and administrative expenses, interest, and provisions for renewal of works and obsolescence, sinking funds and contingencies;

(iii) the amount received from each municipality on account of the cost of power supplied in the fiscal year, and the amount remaining to be paid by, or standing to the credit of, each municipality;

(iv) the amount of profits earned or losses sustained by each system from sale of power to other than municipal corporations;

Accumulated  
balances,

(d) a statement with respect to each system, showing the accumulated amount remaining to be paid by, or standing to the credit of, each municipality comprised in such system as on the 31st day of October last preceding;

Sinking  
funds,

(e) a statement with respect to each system, showing the amount standing to the credit of each municipality on sinking fund account (including the sums contributed by it) as at the 31st day of October last preceding;

Indebtedness  
to Commis-  
sion.

(f) a statement of the amount of the indebtedness due or owing by each municipal or other corporation or person to the Commission in respect of—

(i) construction of works, sale of electrical equipment, apparatus or supplies, and services rendered;

(ii) power bills;

(iii) other indebtedness, if any;

and such statement shall also indicate the debts that are three months or more overdue;

Other  
matters,

(g) such other matters as may appear to be of public interest in relation to the Commission or its works as the Lieutenant-Governor in Council may direct.

Form of  
statements.

(2) The said statements shall be in form approved of by the Lieutenant-Governor in Council, and shall contain such information and particulars as he shall require, and shall be signed by the chairman or vice-chairman of the Commission. R.S.O. 1927, c. 57, s. 7.



## AUDIT.

8.—(1) The accounts of the Commission shall, upon the direction of the Lieutenant-Governor in Council, be from time to time, and at least once every year, audited and reported upon by an auditor or auditors named in the direction of the Lieutenant-Governor in Council. <sup>Audit of accounts.</sup>

(2) The expenses of such audits shall be fixed by the Commission, with the approval of the Lieutenant-Governor in Council, and shall be payable by the Commission as part of the costs of administration of the Commission. R.S.O. 1927, c. 57, s. 8. <sup>Expenses of audits.</sup>

## INCOME AND EXPENDITURES.

9. The income of the Commission shall be applied by the Commission to the necessary operating expenses, to the preservation, improvement, supervision, renewal, repairs, maintenance and insurance of its works, and to the payment of the remuneration and expenses of the Commissioners, and the salaries of officers and others employed by the Commission, and to such other purposes as may be authorized or required by this Act. R.S.O. 1927, c. 57, s. 9. <sup>Application of income of Commission.</sup>

10. All special funds and the income and revenue thereof and all moneys and revenues which now are in or shall come into the hands of the Commission, whether as agent, trustee, owner or otherwise, shall form one fund to be called "general fund," and the Commission shall have power to make any and all expenditures out of the said fund for the purposes and objects of the Commission without regard to the special trusts or purposes under which the said fund or any part thereof may come into its hands, and the Commission shall account for and pay out of the said fund all moneys for which it shall be so accountable. R.S.O. 1927, c. 57, s. 10. <sup>"General fund."</sup> <sup>Expenditures out of.</sup>

11.—(1) The Commission may retain and set apart out of moneys coming into its hands such sums as may, in the opinion of the Commission, be sufficient for the following purposes,— <sup>Reserve fund for,—</sup>

- (a) to provide for the renewal, reconstruction, alteration and repair of works constructed or operated by the Commission; <sup>Renewals;</sup>
- (b) to meet interest upon working capital and for the operations of the Commission under sections 43 and 56, and to meet obligations, charges and expenses arising from time to time in the course of such operations; <sup>Interest and charges;</sup>



Obsolescence;

- (c) to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission or otherwise incurred or payable by the Commission;

Insurance.

- (d) to provide its own funds as insurance against loss or damage to any property of the Commission or loss or damage to the persons or property of others caused by or arising from the works or operations of the Commission.

Use of moneys.

- (2) The Commission may expend, use, apply, utilize and appropriate the moneys retained and set apart under subsection 1, or any part thereof, for any of the purposes of the said subsection. 1937, c. 60, s. 2.

Stabilization fund account.

**12.—**(1) An account to be known as the "stabilization fund account" shall be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

- (a) such amounts as the Commission may determine and collect for the purposes of this section from its customers;
- (b) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account;
- (c) any surplus, or balance or money or credit, or such portion thereof as the Commission may determine, howsoever or whenever accumulated or acquired, and notwithstanding the purpose or purposes for which or the manner in which the moneys may have been collected or may have been held, and whether or not it is or includes a surplus balance or credit held for or to the credit of any municipality or rural power district in any manner, under section 64 or otherwise.

Transfers.

- (2) Any such surplus, balance or credit now held by the Commission in any account or accounts may at any time or times in the discretion of the Commission be transferred to the said stabilization fund account.

Use of moneys.

- (3) Any or all of the moneys in the said stabilization fund account may be used in the discretion of the Commission for determining, and for adjusting and apportioning (includ-

ing making equitable and stabilizing) the amounts payable to the Commission by municipal corporations or persons.

(4) Costs and expenses incurred by the Commission which, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and are not properly chargeable to any system or to any municipal corporation under contract with the Commission may be charged by the Commission to the stabilization fund account. 1937, c. 60, s. 3.

Items chargeable to account.

#### INVESTMENT OF FUNDS.

**13.**—(1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed by the Province of Ontario.

Investment of funds in Government securities.

(2) Subsection 1 shall not apply to sinking funds. R.S.O. 1927, c. 57, s. 12.

As to sinking funds.

#### SINKING FUNDS.

**14.** The Commission shall annually set apart as a sinking fund,—

Sinking fund.

- (a) such sums as are received by the Commission from municipal corporations under the provisions of clause (c) of section 61, and section 62;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from other corporations and persons under contract with the Commission for a supply of power. R.S.O. 1927, c. 57, s. 13.

**15.**—(1) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of the advances made by the Province to the Commission shall,—

Application of receipts on sinking fund account.

- (a) to the extents respectively set out in Schedule A to this Act; and
- (b) to such further extent as may be necessary to repay any advances hereafter made by the Province to the Commission in annual sums which with interest thereon at the rate of four per centum per annum will be sufficient to meet such advance within a

period of forty years which period shall commence one year from the end of the fiscal year in which such advance is made or in case postponement is authorized under section 16, then within forty years from the end of the fiscal year in which such postponement terminates,

be paid by the Commission to the Treasurer of Ontario annually on or before the 31st day of October in each year and shall be credited to the Commission. R.S.O. 1927, c. 57, s. 14 (1); 1928, c. 19, s. 2.

Repayments  
to Province  
out of funds  
in hands of  
Commission.

(2) Notwithstanding anything in this Act, the Commission may, in addition to the repayments out of sinking fund provided for under subsection 1, make further repayments on account of the advances by the Province to the Commission from time to time out of funds in its hands. 1930, c. 12, s. 3.

Where  
sinking fund  
collections  
exceed re-  
quirements.

(3) Where the amounts collected by the Commission in any year on sinking fund account for the repayment of advances made by the Province to the Commission exceed the amount required to be paid over to the Treasurer of Ontario under subsection 1 for such year, such excess amount shall be invested by the Commission in securities issued by or guaranteed by the Province of Ontario and such securities shall be delivered by the Commission to the Treasurer of Ontario as collateral security for the repayment of advances made by the Province to the Commission, and the Lieutenant-Governor in Council may from time to time direct that any securities so held by the Treasurer shall be sold and converted and the proceeds thereof credited to the Commission on account of any sums payable by the Commission on sinking fund account under subsection 1.

Application  
of other  
receipts on  
sinking fund  
account.

(4) All sums received by the Commission from municipal corporations and others on sinking fund accounts for repayment of other indebtedness incurred or assumed by the Commission in respect of the cost of works may be used or employed by the Commission to pay off such indebtedness, but any portion of such sums not so used or employed shall be invested by the Commission in securities issued by, or guaranteed by the Province of Ontario.

Application  
of interest  
receipts in  
excess of  
four per  
cent.

(5) Interest earnings in excess of four per centum per annum upon the investment of the sinking funds shall be credited as a revenue to the municipal corporations in proportion to the amount standing to their credit on sinking fund account. R.S.O. 1927, c. 57, s. 14 (2-4).



**16.**—(1) The Lieutenant-Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any works newly constructed, acquired or performed for such period, not exceeding ten years, as may be deemed advisable. R.S.O. 1927, c. 57, s. 15; 1929, c. 20, s. 3.

Postpone-  
ment of  
sinking  
fund  
collection.

(2) For the purposes of this section "works" shall, in addition to the meaning given to it in section 1, mean and include preliminary reports, surveys, investigations, engineering, accounting or organization work or service, or any other work or service in connection with or incidental to any proposed construction or development. 1929, c. 20, s. 3.

"Works,"  
meaning of.

#### PENSION FUND

**17.**—(1) The Commission, with the approval of the Lieutenant-Governor in Council, may establish and maintain a fund for the payment of superannuation allowances or allowances upon the death or disability of its employees, and may make regulations providing for contributions to the fund by the Commission and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid.

Super-  
annuation  
fund and  
allowances.

(2) The cost to the Commission of maintaining and administering any such fund shall be deemed part of the cost of the administration of the Commission and shall be chargeable accordingly. R.S.O. 1927, c. 57, s. 16.

Cost to  
Commission  
to be charge-  
able to ad-  
ministration.

(3) (a) The Commission may continue to extend the provisions of subsection 1 to each employee of The Sandwich, Windsor and Amherstburg Railway to whom the Commission was extending the said provisions on the 21st day of September, 1934, but shall be under no obligation to do so if the required contributions to the said fund in respect of such employee cease to be paid to the Commission for any cause other than death or retirement on pension.

Continuance  
for former  
employees.

(b) Any such employee though still remaining an employee of the railway may at any time withdraw from the said fund upon giving to the Commission thirty days' prior notice in writing.

Employees  
may  
withdraw.

(c) Any such employee who withdraws from the said fund or who for any cause other than death or retirement on pension ceases to be an employee of the railway shall, so far as relates to the said fund, be deemed

Leaving  
service.



to have left the service as in the case of contributing employees leaving the Commission's service, and may not again be included among those to whom this subsection applies.

Effective though Commission not operating railway.

- (d) This subsection shall have effect notwithstanding that the Commission ceased to operate the said railway on the 22nd day of September, 1934, but only so long as the railway continues to be operated on behalf of or in trust for one or more municipalities.

Prior Acts confirmed.

- (e) The extension of the provisions of subsection 1 by the Commission to employees of the said railway prior to the date this Act comes into force is hereby confirmed and declared to be legal and valid. 1937, c. 60, s. 4 (1).

Municipal employees may be included in fund.

**18.** The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the corporation of any municipality receiving power from the Commission for including in the said fund employees of any commission established under *The Public Utilities Act*, or under this Act, for the management and control of works for the distribution of electrical power or energy in the municipality, upon such terms as to the contribution by a municipal corporation and otherwise as may be deemed expedient. R.S.O. 1927, c. 57, s. 17.

Rev. Stat. c. 286.

#### REPORT ON WATER POWERS.

Commission to report on water powers, etc., when required.

**19.** Whenever required by the Lieutenant-Governor in Council so to do, the Commission shall inquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. R.S.O. 1927, c. 57, s. 18.

#### ACQUISITION OF PROPERTIES.

Report of Commission as to—

**20.** The Commission may report to the Lieutenant-Governor in Council, designating,—

Acquiring works, etc.

- (a) the land, water, water privileges or water powers, or the land and works, or portion thereof, of any person owning or holding under lease or otherwise, or developing, operating or using a water privilege or water power, or transmitting electrical or other power or energy in Ontario which, in the opinion of the Commission, should be purchased, acquired, leased, taken, expropriated, developed, operated or used by the Commission for the purposes of this Act; or,

- (b) the quantity of the product of any person generating electrical power or energy in Ontario or bringing such power or energy into Ontario for use or transmission therein which the Commission requires for the purposes of this Act. R.S.O. 1927, c. 57, s. 19. Quantity of power.

**21.—**(1) The Lieutenant-Governor in Council may authorize the Commission at any time and from time to time, to acquire by purchase, lease, or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, expropriate and use, any land, lake, river, stream or other body of water or watercourse, and temporarily or permanently to divert or alter the boundaries or course of any lake, river, stream or other body of water or watercourse, or raise or lower the level of the same or flood or overflow any land. 1931, c. 13, s. 3, *part*. Power may be given to Commission.

(2) In particular, but without limiting the generality of subsection 1, the Lieutenant-Governor in Council, upon the recommendation of the Commission, may authorize the Commission to,— Power may be given to Commission.  
1931, c. 13, s. 3, *part*.

- (a) Acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, and works, used for, or adapted or useful for, or capable of being used or made useful for generating, transforming or transmitting electric power or energy; enter upon, take possession of, expropriate, acquire and use such land, waters, water privileges, water powers and works, without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand therein; and have and hold the same, however acquired or obtained, and develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act; 1937, c. 60, s. 5. To acquire lands, water powers and works.
- (b) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited, including shares held or owned by the said company in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to maintain and operate any property or properties so acquired; To acquire Dominion Power and Transmission Company Limited.
- (c) acquire by purchase, lease or otherwise, and construct, maintain and operate, works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever; To acquire and construct works for production of electricity.

Works on  
inter-  
provincial  
boundaries.

- (d) acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to the terms and conditions upon which such works shall be carried on and any rights so acquired be exercised;

Acquiring  
shares in  
companies  
operating on  
such  
boundaries.

- (e) acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works;

To acquire  
plant for  
transmission  
of power.

- (f) construct, maintain and operate, and acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, all erections, machinery, plant and other works and appliances for the transmission, supply and distribution of electrical power or energy; and conduct, store, transmit and supply electrical power or energy and steam for the purposes of this Act, and with lines of wires, poles, conduits, pipes, motors or other conductors or devices, receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy and steam to or from any person at any place, through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over or under the land of any person;

To contract  
for supply  
of power to  
Commission.

- (g) contract with any person generating, transmitting or distributing electrical power or energy, or proposing so to do, to supply electrical power or energy to the Commission, and require any person generating, transmitting or distributing electrical power or energy to supply so much thereof as the Commission may require;



- (h) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or privilege is situate, or any lake, river, stream or other body of water which, in the opinion of the Commission, is capable of improvement or development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as may be deemed proper or expedient for the said purposes, and flood and overflow any land to the extent to which the Commission may deem necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed upon;  
To flood lands and improve water powers.
- (i) enter upon, take and use, without the consent of the owner thereof, any land which may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but subject to the provisions of subsections 1 and 2 of section 32, the proceedings taken under this clause shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to such corporation or make such other disposition thereof with the consent of such corporation as may be deemed expedient;  
To acquire flooded lands on behalf of municipality.
- (j) acquire by purchase or expropriate any plant, machinery, appliances, wires, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy, and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon; but if part only of the property is taken the damage done to the pro-  
To acquire distributing plant.



perty by the severance shall be taken into consideration in determining the compensation;

Purchasing  
shares in  
companies.

- (k) acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, distributing or transmitting electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works;

To acquire  
stock in  
develop-  
ment  
companies.

- (l) acquire by purchase or otherwise on any terms and hold shares in any incorporated company carrying on the business of developing, supplying or transmitting electrical power or energy, and in connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any company shares in which are so acquired, or of any company shares in which are held by any company in which shares are so acquired, and for the purposes of this Act the acquisition of shares of such companies shall be deemed to be an investment in works;

To lease  
or operate  
works of  
others.

- (m) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner;

To issue  
bonds, etc.,  
for above  
purposes.

- (n) issue bonds, debentures or other securities of the Commission for any of the purposes set out in this section, in such form and containing such terms and at such rate of interest and payable in such manner and at such time or times as the Lieutenant-Governor in Council may determine.

The Com-  
mission to  
have powers  
of Minister  
of Public  
Works.

(3) In relation to all matters authorized by the Lieutenant-Governor in Council under any of the provisions of this section, the Commission shall have, and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words "the Minister," "the Department" or "the Crown" appear in the said Act, they shall, where the context permits mean and include the Commission.

Reg. Stat.,  
c. 51.

(4) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission.

Mode of perfecting title.

(5) Except as otherwise provided in this Act the Commission shall, in the exercise of its compulsory powers, authorize by this section and section 28, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Procedure.

Rev. Stat., c. 54.

(6) Where the Commission elects to have the compensation determined by the Ontario Municipal Board, under the provisions of section 28 of *The Public Works Act*, the Board shall, in addition to the powers conferred upon it by the said section 28 of *The Public Works Act*, and by *The Ontario Municipal Board Act*, have the power, upon the application of the Commission or the owner, to direct the filing and serving of pleadings, and particulars thereof, and to direct discovery and production as in actions in the Supreme Court, and in accordance with the rules of practice in that behalf.

Powers of Board.

Rev. Stat., cc. 54, 60.

(7) The Lieutenant-Governor in Council may direct that any authorization to the Commission heretofore or hereafter given shall be retroactive, when the same shall be deemed to have taken effect from the time so fixed.

Authorizations may be retroactive.

(8) No act or proceeding of the Commission pursuant to any authorization of the Lieutenant-Governor in Council under this section shall be restrained by injunction or other process or proceeding in any court. 1931, c. 13, s. 3 *part*.

Exercise of powers not to be enjoined, etc.

**22.**—(1) Notwithstanding anything in this or any other Act, whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in clause *f* of subsection 2 of section 21, it may proceed under the following provisions of this section.

Mode of exercising and extent of powers.

(2) The Commission may, without notice or without the deposit of any plan or description or any prerequisite or preliminary action or formality, and with or without the consent of the owner thereof, enter upon, take possession of and use for such time as the Commission may deem desirable any land which the Commission may deem to be required for the due exercise of the powers so authorized.

Commission may enter, etc., without notice.

Compensation.

(3) Compensation shall be made to the owner for the land taken or used and for all damage to property resulting from the exercise of the said powers, and in fixing such compensation regard shall in all cases be had to the value of the land taken, or to the nature and extent of the estate, right, privilege, easement, or interest which the Commission decides to take and acquire in, over, upon or in respect of the land as the case may be, and the compensation shall be based thereon.

Rev. Stat.,  
c. 54.  
How far to  
apply.

(4) Where the amount of the compensation has been agreed upon or fixed or otherwise determined, all of the provisions of *The Public Works Act* as to the payment or other disposition and application of the compensation or money payable in respect of the land, right or easement taken by the Commission shall, *mutatis mutandis*, apply.

Appointment  
of and  
powers of  
valuator.

(5) The Lieutenant-Governor in Council may from time to time appoint some suitable person as a valuator, who shall receive his reasonable and necessary travelling and other expenses and such salary as may be fixed by the Lieutenant-Governor in Council, and the same shall be paid by the Commission as part of its general administration expense, and when no agreement is arrived at as to the amount of compensation to be paid to the owner, the valuator shall as soon as conveniently may be after a request to him either from the owner or the Commission, secure from the Commission a description of the land, right or easement which the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as he may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, or property damage, and notify by registered letter the owner and the Commission of such finding.

Appeal from  
valuator.

(6) Either the owner or the Commission, if dissatisfied with the amount of the compensation so fixed, may appeal within thirty days after the mailing of the notice of finding by the valuator by giving notice to the other that an appeal is desired from the same.

Who to hear  
appeals.

(7) An appeal from the valuator shall be heard and determined by the Ontario Municipal Board or a member thereof, provided however that the Lieutenant-Governor in Council may from time to time designate a judge of the Supreme Court or a judge of a county or district court to hear and dispose of any such appeal or appeals, and where the Commission gives notice to the owner that an appeal shall be determined by a judge instead of by the Board or a member



thereof, the judge designated shall hear and determine such appeal, and if a judge is so designated he shall receive his reasonable and necessary travelling expenses and such fee as may be fixed from time to time by the Lieutenant-Governor in Council and the same shall be paid by the Commission as part of its general administration expense.

(8) The judge or the Board or any member thereof, as the case may be, shall appoint such time and place and give such notice of the hearing of appeals as may be thought proper and most convenient and such judge or Board or any member thereof shall for the purposes of this section have all the powers which are conferred upon the Ontario Municipal Board by sections 41 and 44 of *The Ontario Municipal Board Act* and the provisions of that Act with respect to procedure and the enforcement of orders made thereunder from time to time shall, *mutatis mutandis*, apply.

Powers of  
judge or  
Board on  
appeal.

Rev. Stat.,  
c. 60.

(9) In the notice of appeal the appellant shall set out the amount which the appellant deems proper to have been fixed by the valuator and if, where the owner is the appellant, he fails to recover anything more than the amount fixed by the valuator, or if, where the Commission is the appellant, it fails to have the amount so fixed reduced, then the costs of the proceedings as between party and party shall be payable by the appellant, and if, under the provisions of this subsection, the costs are payable to the Commission, the same may be deducted from the compensation payable.

Costs of  
appeal.

(10) The costs of the proceedings may be fixed by the judge or Board or member thereof at such amount as may be deemed proper, due regard being had however to the difference between the amount fixed by the valuator and the amount awarded by the judge or Board or member thereof, or may be directed to be taxed upon the scale of the division, county or Supreme Court scale, as the case may be, and, if it appears on such appeal that the claim to compensation put forward by the owner is grossly excessive, and the expense of the Commission has been thereby increased, the judge or Board or member thereof may fix and allow to the Commission by way of set-off against such costs as may be awarded to the owner hereunder, the amount of such excess expense.

Scale of  
costs.

(11) The owner shall, upon reasonable notice, attend at a place to be fixed by the Commission, and execute such necessary instruments or documents as the Commission may require upon tender to him of the Commission's cheque for the

Mode of  
perfecting  
title.



amount awarded by the judge or Board or member thereof or fixed by the valuator, and costs, if any, less such costs as may have been awarded against him, and in the event of his failing to attend and execute such instruments or documents, or if for any reason the Commission deems it desirable, the Commission may file in the registry office or land titles office, as the case may be, in the district or county in which the land affected is situate, a plan and description of the land, right or easement so taken, signed by the secretary of the Commission, or by an Ontario land surveyor, and thereupon such land, right or easement shall be and become vested in the Commission. 1931, c. 13, s. 3 *part*.

#### Appeals.

**23.**—(1) In cases under section 22, either the Commission or the owner may, subject to the provisions of subsection 2 of section 25, appeal to the Court of Appeal from the order of the judge or the Board or member thereof, and, in all other cases, either the Commission or the owner may appeal to the Court of Appeal from the order of the judge or the Board as the case may be.

Rev. Stat.,  
c. 60,  
to apply.

(2) Where the appeal is taken under the provisions of subsection 1, section 103 of *The Ontario Municipal Board Act* as to appeals from the Board shall apply. 1931, c. 13, s. 3 *part*.

Removal of  
trees and  
obstructions  
beside right-  
of-way.

**24.** The powers conferred upon the Commission by or under the authority of this Act, shall include the right to enter upon any land upon either side of the right-of-way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place which, in the opinion of the Commission, it is necessary to fell or remove, but subject always to the payment of compensation as provided in section 22, and the said section shall apply to the exercise of the powers mentioned in this section; provided, however, that where the lines or works of the Commission are situate upon a highway, whether it be the King's Highway or any other highway, compensation shall be payable only to the extent to which it is payable by a municipality for felling or removing trees or branches thereof under and by virtue of section 511 of *The Municipal Act*. 1931, c. 13, s. 3 *part* 1937, c. 60, s. 6.

Rev. Stat.,  
c. 266.

Owner to  
give notice  
of crop  
damage.

**25.**—(1) Notwithstanding anything in section 22 where a claim is made against the Commission for damage to crops, gardens, shrubs, trees or other growing things, caused by or incidental to the construction, maintenance or repair of

poles, wires, towers or works included in or connected with power transmission lines, notice of such claim shall be given in writing, signed by the claimant at as early a date as possible, and so that the nature, character, extent and evidence of the damage may still be apparent, and in any case, not later than sixty days after the cause for complaint arose.

(2) If a claim is made after the time limited by subsection 1, and the claimant has failed to give the notice therein required, either the Commission or the owner may, notwithstanding such failure, request the valuator to attend and investigate the damage complained of, and the valuator, if satisfied that there was reasonable excuse for the failure to give or the insufficiency of, the notice, and that the Commission was not thereby prejudiced, may award such compensation as may appear to him to be just and in that event the finding of the valuator shall be final and binding upon the owner and the Commission. 1931, c. 13, s. 3 *part*.

**26.** In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to carry its wires along, upon, under and across any public highway or street, and to erect poles and put down conduits and all other structures necessary for that purpose, and to take down, remove, or take up the same without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any poles, conduits, lines or other structures of the Commission to be hereafter erected, put down or constructed upon a highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the highway, or in case of disagreement shall be determined by the Ontario Municipal Board. 1931, c. 13, s. 3 *part*.

**27.** Wherever in the course of constructing, reconstructing, altering or improving any highway it becomes necessary to take up, remove or change the location of poles, wires, conduits, transformers or other appliances or works placed on or under a highway by the Commission, the costs and expenses incurred in such work shall be apportioned and paid in the manner provided by sections 2 and 3 of *The Public Service Works on Highways Act*, and the said section shall apply to the Commission in the same manner and to the same extent as to a municipal corporation, commission, company, or individual owning or operating appliances or works mentioned in the said section. 1931, c. 13, s. 3 *part*.



Buildings.

**28.**—(1) The Commission may expropriate, purchase, lease or otherwise acquire lands which the Commission may deem necessary for office, service, or other buildings, and may erect thereon such buildings and works as the Commission may require for its purposes.

Expense repayable by municipalities.

(2) All expenditures by the Commission for the purposes mentioned in subsection 1 shall be repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. 1931, c. 13, s. 3 *part*.

Disposal of works to a municipality.

**29.**—(1) The Commission, upon such terms as it deems proper, may lease, sell or otherwise dispose of to a municipal corporation or commission any works or any interest therein which the Commission is or has been using and which it deems advisable to so dispose of as aforesaid.

Acquiring property from municipality.

(2) The Commission may acquire from a municipal corporation or commission by purchase, lease or otherwise, upon such terms as the Commission may deem proper, any works or other property, real or personal, which the Commission may deem advisable for its purposes and such municipal corporation or commission may lease, sell, or otherwise dispose of such works or other property to the Commission without the assent of the electors or the approval of the Ontario Municipal Board required by section 32 of *The Public Utilities Act*, but otherwise such municipal corporation or commission shall comply with the said section 32.

Rev. Stat., c. 286.

Joint use of works.

(3) The Commission, upon such terms as it deems proper, may contract with any corporation, firm or person for joint ownership or joint use of works or for rights to use the works of any corporation, firm or person or to permit any corporation, firm or person to use works of the Commission and for the purposes of this subsection, works shall include telephone and telegraph lines and other communication works either of the Commission or of any other corporation, firm or person in addition to the things mentioned in clause (f) of section 1.

Sale of property.

(4) The Commission may, upon such terms as it deems proper, sell, lease or otherwise dispose of any property; real or personal, which it may deem unnecessary for its purposes. 1937, c. 60, s. 7.

Abandonment of lands after expropriation.

**30.**—(1) Where any of the compulsory powers mentioned in section 21 are exercised with respect to land, and no entry on or use of the land taken has been made, except for the purpose



of survey or examination, the Commission, at any time before the expiration of three months from the date of the award, may, by writing under the hand of the chairman and the seal of the Commission, registered in the proper registry or land titles office, declare that the land or any part thereof is not required and is abandoned by the Commission, and thereupon the land declared to be abandoned shall revert in the person from whom it was taken, or in those entitled to claim under him.

(2) Where the land taken, or any part thereof, is abandoned, the person from whom it was taken shall be entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment, and where part only of the land is abandoned the fact of such abandonment and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages, shall, subject to the provisions of section 22, be determined in the manner provided by *The Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference. 1931, c. 13, s. 3 *part*.

Total  
abandon-  
ment.

Partial  
abandon-  
ment.

Rev. Stat.,  
c. 54.

**31.** The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily, and notwithstanding and regardless of the origin, nature and source of the owner's title thereto, and of the manner whereby it was acquired by the owner or any of his predecessors in title. 1931, c. 13, s. 3 *part*; 1937, c. 60, s. 8.

Extent of  
powers of  
expropria-  
tion.

**32.**—(1) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water the Lieutenant-Governor in Council may direct a judge of the Supreme Court or the judge of the county or district court to inquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefited by such works or improvements and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by the Province respectively.

Adjustment  
of propor-  
tions of cost  
of works on  
waters.

Apportion-  
ment of costs  
of works  
heretofore  
constructed.

(2) Where under an agreement or any instrument purporting to be an agreement with a municipal corporation the Commission has heretofore constructed works or improvements upon any lake, river, stream or other body of water and it appears to the Lieutenant-Governor in Council that such works or improvements are or may be of benefit to, or increase the value of the land of any individual or corporation other than such municipal corporation, the Lieutenant-Governor in Council may direct a judge of the Supreme Court, or a judge of a county or district court, to inquire into and determine the proportion in which such municipal corporation and any such individual or other corporation are or may be respectively benefited or the value of the land of any of them increased by such works or improvements, and the judge may make an order fixing the proportion in which the cost of such works or improvements shall be borne by the municipal corporation party to any such agreement or instrument, and by any such individual or corporation and by the Province respectively, and may fix such proportion without regard to the terms of such agreement or instrument.

Powers of  
judge on  
inquiry.

(3) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court, including the power to compel the attendance of witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things and the order of the judge shall be enforceable in the manner provided by *The Judges' Orders Enforcement Act*.

Rev. Stat.,  
c. 123.

Costs.

(4) No costs shall be awarded to any party appearing before the judge or otherwise interested in the inquiry.

Fees and  
expenses.

(5) The judge shall be paid such fees and expenses as shall be fixed by the Lieutenant-Governor in Council.

Cost of  
works,  
etc.,—what  
to include.

(6) For the purposes of this section the cost of the works or improvements shall be deemed to include all expenditures, charges and expenses as fixed by the Commission made or incurred by it in respect of the construction of such works or improvements, extensions and additions thereto, interest charges, operating expenses, repairs and maintenance, down to the date of the order of the judge, the fees and expenses of the judge and the expenses incurred by the Commission in connection with the inquiry.

Appeal.

(7) Any person, or any municipal or other corporation affected by the order made under the authority of subsection 1 or subsection 2 may, with the consent in writing of the Commission, appeal from such order to the Court of Appeal.



- (8) (a) The Commission may establish a sinking fund to be provided by the parties in the proportions directed by the order of the judge sufficient to discharge and pay off the cost of such works or improvements and such of the capital cost as may be incurred from time to time by the Commission after the date of the order of the judge within such periods as the Commission may fix, having regard to the life of such works or improvements and not exceeding forty years.
- (b) The Commission shall, subsequent to the order of the judge, annually fix and determine the cost, charges or expenses incurred by it from time to time in the operation, maintenance, repair and renewal of such works and shall apportion and charge the same against the parties in the proportions fixed by the order of the judge, together with the payments in respect of sinking fund hereinbefore mentioned and the amounts so charged shall be payable on demand recoverable in the manner hereinafter provided.
- (9) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any individual.
- (10) The amount so found payable by a municipal corporation shall be recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of an individual the amount so found due shall constitute a debt due to the Commission and shall be recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefited by such works or improvements and shall constitute a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown.
- (11) Where a proportion of the cost of such works and improvements is to be borne by the Province the amount due from time to time in respect thereof shall be payable out of any moneys appropriated by the Legislature for that purpose.
- (12) When the proportions in which the cost of such works or improvements is to be borne have been fixed by order of the judge or of the Court of Appeal, such order shall be final and binding unless and until it shall appear to the Commission that owing to change of circumstances or conditions

Sinking fund.

Annual apportionment of costs by Commission.

Allowance for previous expenditure.

Recovery of amount assessed.

Share of Province,—how payable.

Effect of order.



in respect of such works or improvements it is equitable that there should be a readjustment of the proportions theretofore fixed by the order of the judge and in that case, upon the application of any person liable to contribute to the cost of such works or improvements, made with the consent in writing of the Commission, the judge may make further inquiry and may readjust such proportions to be thereafter applied in such manner as he may deem just and equitable, subject to appeal as hereinbefore provided. 1931, c. 13, s. 3 *part*.

Limitations  
Act not  
applicable.

Rev. Stat.,  
c. 118.

**33.** Where possession of land of the Commission has been taken by some other person, the right of the Commission, or anyone claiming under it, to recover it, shall not be barred by reason of the lapse of time, notwithstanding the provisions of *The Limitations Act*, or of any other Act of this Legislature, or by reason of any claim based on possession adverse to it for any period of time which might otherwise be made lawfully at common law, unless it is shown that the Commission had actual notice in writing of such adverse possession, and such notice was had by it ten years before it or the said person claiming under it commenced action to recover the said land; provided that no claim shall be acquired by possession, prescription, custom, user or implied grant to any way, easement, water-course or use of water or water right or privilege or flooding privilege of the Commission, or to any way, easement, water-course, or use of water, or right of drainage along, over, upon, on or from any land, or water, or water right, or privilege of the Commission, notwithstanding the provisions of *The Limitations Act* or any other Act of this Legislature or any claim at common law based on lapse of time, or length of enjoyment or use. 1937, c. 60, s. 9.

#### TAXATION.

Lands of  
Commission  
to be  
taxable.  
Rev. Stat.,  
c. 272.

**34.—(1)** Notwithstanding anything in *The Assessment Act*, land owned by and vested in the Commission shall be subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality.

Buildings,  
works, etc.,  
to continue  
to be  
exempt.

**(2)** Subject to the provisions of subsection 3, subsection 1 shall not apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles, and other property, works or improvements owned, used or controlled by the Commission, or to an easement or the right of use or occupation or other interest in land not owned by the Commission, but all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles,

and other property, works or improvements owned, used or controlled by the Commission, and every such easement or right, shall continue to be exempt from assessment and taxation as heretofore.

(3) Where the Commission is carrying on the business of selling by retail electrical goods, supplies or appliances it may be assessed and shall thereupon be liable to taxation in respect of such business and the land and buildings owned or occupied for the purposes thereof in the same manner and to the same extent as a retail merchant carrying on the same business. R.S.O. 1927, c. 57, s. 31.

(4) Notwithstanding anything in *The Assessment Act*, *The Ontario Municipal Board Act*, *The Department of Municipal Affairs Act*, or *The Tax Sales Confirmation Act*, 1936, or any other Act of this Legislature, where land which was or is subject to easements, ways, rights of way or entry, flooding rights, licenses or rights to maintain works thereon, owned by or belonging to the Commission, has at any time before or after the coming into force of this Act been sold for taxes, or in respect of which a tax arrears vesting certificate has at any time before or after the coming into force of this Act been registered under the authority of section 109 of *The Ontario Municipal Board Act*, 1932, or section 43 of *The Department of Municipal Affairs Act*, such easements, ways, rights of way or entry, flooding rights, licenses, or rights to maintain works shall be deemed not to have been affected and shall not be affected by the sale or registration. 1937, c. 60, s. 10.

#### ADVANCES AND LOANS.

**35.** The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act, and such sums may be paid over to the Commission and shall be accounted for and audited in the manner provided for in this Act. R.S.O. 1927, c. 57, s. 32.

**36.** Where the Legislature has appropriated money for the purposes of the Commission, such money shall be payable out of such appropriation to the Commission from time to time, upon the requisition of the chairman of the Commission and the direction of the Lieutenant-Governor in Council, in such amounts and at such times as shall be stated in the requisition and direction, and this section shall have effect notwithstanding that there may be sums due from the Com-

Rev. Stat.,  
c. 24.

mission to the Province and notwithstanding anything in *The Audit Act*: R.S.O. 1927, c. 57, s. 33.

Where  
appropria-  
tion is  
exhausted,  
special  
warrant  
may issue.

**37.** Where the appropriation made by the Legislature for any work of the Commission shall become exhausted in any fiscal year, and the chairman of the Commission reports to the Lieutenant-Governor in Council that it is necessary and expedient that such work shall be proceeded with and that an additional amount is required for that purpose, the Lieutenant-Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required in such fiscal year, and when issued such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Commission for such sums as shall be required. R.S.O. 1927, c. 57, s. 34.

Interest on  
advances by  
Province.

**38.** The Commission shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province, such sum as may be from time to time determined by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money. R.S.O. 1927, c. 57, s. 35.

General  
borrowing  
powers.

**39.—(1)** Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money and issue notes, bonds, debentures and other securities or do any of these things for any of the purposes of the Commission.

Purposes of  
Commission  
shall  
include.

**(2)** The said purposes of the Commission shall, without limiting the generality thereof, include,—

- (a) repayment on account of the advances by the Province to the Commission;
- (b) payment, refunding or renewal from time to time of the whole or any part of any loan made or securities issued by the Commission under the provisions of this or any other Act;
- (c) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission.

May borrow  
net sum.

**(3)** For the purposes specified in subsection 2 the Commission may borrow and may issue as aforesaid in such



amounts as will realize the net sum required by the Commission for such purposes and a recital or declaration in the resolution or minutes of the Commission authorizing the issue of securities to the effect that the amount of securities so authorized is necessary to realize the net sum required for the purposes of the Commission shall be conclusive evidence of the fact.

(4) The Commission on such terms and conditions as it <sup>Commission may sell or pledge.</sup> deems advisable may sell or otherwise dispose of any such notes, bonds, debentures and other securities, may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security and may do any of these things.

(5) Any such securities dealt with as collateral security <sup>Reissue of securities.</sup> when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission may deem advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the same had not been previously issued.

(6) The Commission on such terms and conditions as it <sup>Commission may pledge securities.</sup> deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any bonds, debentures or other securities in which it has invested its funds as in section 13 provided. 1935, c. 54, s. 5.

**40.** The Lieutenant-Governor in Council is hereby authorized, on such terms as may be approved by Order-in-Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant-Governor in Council may approve, and the said guarantee or guarantees shall be signed by the Treasurer of Ontario, or such other officer or officers as may be designated by the Lieutenant-Governor in Council, and upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and <sup>Guaranteeing bonds of Commission.</sup>

securities guaranteed, according to the tenor thereof, and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province, and, in the hands of any holder of any such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with. R.S.O. 1927, c. 57, s. 37.

Guarantee-  
ing perform-  
ance of  
contract for  
purchase of  
shares.

**41.** The Lieutenant-Governor in Council may, on behalf of the Province of Ontario, enter into any covenants or agreements in connection with the acquisition by the Commission of any shares in any incorporated company, and guarantee the observance and performance by the Commission of any contract or agreement of the Commission in relation to such acquisition. R.S.O. 1927, c. 57, s. 38.

Guarantee  
by Province  
of advances  
from banks,  
etc.

**42.** The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission. R.S.O. 1927, c. 57, s. 39.

#### BUSINESS OPERATIONS.

Commission  
may  
purchase  
and sell  
supplies.

**43.—(1)** The Commission may, out of any funds in its hands, purchase such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of electrical power or energy, and may dispose thereof to municipal corporations and commissions, and to other persons, firms and corporations.

Manufac-  
turing and  
dealing in  
supplies.

**(2)** The Lieutenant-Governor in Council, upon the request of the Commission specifying,—

- (a) the nature and volume of the business to be carried on; and
- (b) the extent of the liability which may be incurred in connection therewith;

may authorize the Commission within the Province of Ontario to manufacture such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of electrical power, and to acquire patents of invention, or interests therein, and to sell and dispose of such machinery, appliances, furnishings or patent rights, and the profits and

losses arising from such operation shall be adjusted and apportioned among the municipalities having contracts with the Commission, or be otherwise applied as the Commission shall see fit. R.S.O. 1927, c. 57, s. 40 (1-2).

(3) The Commission may,—

Doing work  
for contract-  
ing munici-  
palities, etc.

(a) undertake and carry out the preparation of plans, specifications and estimates for, and the construction, erection, installation and putting down of, any plant, machinery, and other things;

(b) purchase supplies, wires, poles, and other things;

(c) render engineering or other service,

for the generation, purchase, transmission, distribution, supply or use of electrical power or energy for light, heat or power purposes, or for the manufacture, procuring, producing, supply or use of any other public utility, by a municipal corporation or commission, or by any other corporation or any person, and the Commission may charge and collect from such corporation, commission or person the cost of any work done or service rendered by the Commission under this subsection. R.S.O. 1927, c. 57, s. 40 (3); 1929, c. 20, s. 5.

(4) Subject to the approval of the Lieutenant-Governor in Council the Commission, out of any funds in its hands, may undertake and carry on investigation, experiments, research, development and other work in or for the generation, transformation, transmission, distribution, supply, sale or use of hydraulic, electrical, steam, gas or other power or energy and may use and apply the results thereof, and may undertake and carry on any electro-chemical, chemical, or physical process and, without limiting the generality thereof, electrolysis, reduction, synthesis and conversion of water and other resources, their constituents and compounds and the development and manufacture of products therefrom.

Work for  
extending  
use of  
electricity.

(5) The Commission may acquire any patent or license, or interest in any patent or license and may use or supply or dispose of by sale, lease, hire, license or otherwise any such patent, license or interest and any product, article or commodity produced, used, acquired or found in the operations of the Commission and any right to or interest in any process or the right to use the same.

Dealing  
in patents  
and  
products.

(6) The Commission may do any or all of the things authorized in this section and as principals, agents, contractors,

Power to  
act with  
others.



trustees or otherwise and either alone or in conjunction with others, and a municipal corporation or commission may act as agent for the Commission.

Profits to  
reduce cost  
of power.

(7) Any net profit obtained by the Commission from anything authorized in this section shall be applied as the Commission shall deem equitable towards reduction in the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy. 1935, c. 54, s. 6.

By-products,  
sale of, to  
reduce cost  
of power.

**44.** Where, in the course of the operations of the Commission, any commodity is produced as a by-product or is found upon property vested in the Commission, the Commission may sell or otherwise dispose of such commodity at such prices and upon such terms as it may deem proper, and any revenue so obtained shall be applied in reduction of the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy from the works or property in connection with which the commodity is produced. R.S.O. 1927, c. 57, s. 41.

Unused  
works may  
be utilized  
to produce  
revenue.

**45.** Whenever any works constructed or acquired by the Commission for the purpose of supplying power or energy are not in use for that purpose, the Commission with the approval of the Lieutenant-Governor in Council may utilize them for such revenue producing purposes as it may deem proper, and any revenue so derived shall be applied in the reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission for the supply of electrical power or energy from such works. R.S.O. 1927, c. 57, s. 42.

## PART II.

### SUPPLY OF POWER.

Application  
to Commis-  
sion for  
supply of  
power to  
municipal  
corporation.

**46.—(1)** Any municipal corporation may apply to the Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes, or for any of such purposes, or for any of the purposes mentioned in section 55.

Information  
and esti-  
mates to be  
supplied by  
Commission.

(2) The Commission shall thereupon furnish to the corporation an estimate of the cost per horse-power at which the electrical power or energy can be supplied to the corporation, including an estimate of the cost of the works by means of which the amount of electrical power or energy

required by the corporation is to be supplied, and the Commission may furnish to the corporation, plans and specifications of the works necessary for the distribution of such power or energy by the corporation and an estimate of the cost thereof, and such other information as the Commission may deem advisable.

(3) The corporation may thereupon submit to a vote of the electors of the municipality, in accordance with the provisions of *The Municipal Act*, a question as to securing a supply of electrical power or energy from the Commission, and if a majority of the electors vote in the affirmative, the council of the corporation may, by by-law, authorize the entering into, and the corporation shall thereupon enter into, a contract with the Commission in such form as may be approved by the Lieutenant-Governor in Council, and it shall not be necessary to submit a by-law approving thereof for the assent of the electors and such contract shall be valid and binding.

(4) Notwithstanding anything in *The Municipal Act* or in any general or special Act, debentures issued or purporting to be issued by a municipal corporation which has entered into a contract with the Commission for a supply of electrical power or energy from the Commission for the purpose of carrying out such contract, or for constructing or equipping works for the development, transmission and distribution of electrical power or energy so supplied, shall not be included in ascertaining the limits of the borrowing powers of the corporation as prescribed by *The Municipal Act*, or in any general or special Act. R.S.O. 1927, c. 57, s. 43.

**47.**—(1) Where under the authority of the Lieutenant-Governor in Council, the Commission has acquired or constructed, is in the process of acquiring or constructing, or may hereafter acquire or construct works for the generation, transmission or distribution of electrical power or energy, wholly or partly in anticipation of a future demand for power in any of the territorial districts of the Province as set forth in *The Territorial Division Act*, and His Majesty and the Commission have entered into an agreement in relation thereto as provided in subsection 2, such works shall be held by the Commission in trust for His Majesty in right of the Province of Ontario.

(2) His Majesty the King may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund of the Province the amounts from time to time by

Vote of  
electors.

Rev. Stat.,  
c. 266.

Contract  
with Com-  
mission.

Debentures  
of contract-  
ing municip-  
ality not to  
be included  
in ascer-  
taining limit  
of borrowing  
powers.

Rev. Stat.,  
c. 266.

When title  
to under-  
takings in  
territorial  
districts to  
be in the  
Crown.

Rev. Stat.,  
c. 3.

Agreements  
between the  
Crown and  
the Commis-  
sion as to  
undertakings  
in territorial  
districts.

which the revenues which have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 61, and such agreement or agreements when executed by the President of the Executive Council representing His Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Terms of agreements.

(3) Such agreement or agreements may provide the time and manner of such payments, the works in respect of which such payments are to be made, the rates of interest on any sums so paid and the repayment of the same out of any surplus thereafter arising from the revenue derived from such works and generally such other matters, things and conditions as may be necessary or incidental thereto.

Union of undertakings.

(4) For the purposes of this section all of such works may be treated as one or more units as the Commission may from time to time determine.

Municipal contracts.

(5) The Commission may contract with any municipal corporation or person for the supply of electrical power or energy from such works at such rates and upon such terms and conditions as the Commission may deem proper. 1933, c. 47, s. 2.

Cost in s. 61 shall not apply.

(6) The contract with a municipal corporation under subsection 5 may provide for the supply of electrical power or energy at fixed rates or price notwithstanding anything contained in section 61, and in such event the provisions as to cost in section 61 and the provisions in other sections of this Act relating to such cost shall not apply to such municipal corporation but otherwise this Act shall apply to such municipal corporation.

Subs. 6 retroactive.

(7) Subsection 6 shall apply to municipal corporations supplied with power from works covered by an agreement authorized under subsection 2, and shall be deemed so to have applied since the 18th day of April, 1933. 1935, c. 54, s. 7.

Right to enter on lands to put up wires, etc.

**48.** A municipal corporation which has entered into a contract for the supply of electrical power or energy by the Commission may, by its officers, agents, servants and workmen, enter into and upon the lands of any person, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances without the consent of the owner or occupant of such pro-



perty, but subject to the payment of compensation for any damage caused thereby, to be determined in the manner provided by *The Municipal Act*, where a municipal corporation enters upon and takes land for the purposes of the corporation, but leave of a judge or payment into court shall not be necessary before the exercise of the powers vested by this section in the municipal corporation. R.S.O. 1927, c. 57, s. 44.

**49.**—(1) Where a municipal corporation has heretofore entered into or hereafter enters into a contract with the Commission to take power, either at the time of entering into the contract or, at any time thereafter, exclusively from the Commission, the municipal corporation shall not grant to any corporation or person any right or franchise to erect or lay down poles, wires, conduits or any other structures or works for the distribution of electrical power or energy in the municipality, either for the use of the municipal corporation or the inhabitants generally, or of any particular person, and every such right or franchise and every agreement therefor granted or entered into with or without the assent of the electors shall be null and void.

Rev. Stat.,  
c. 266.

Granting of  
franchises  
by municipi-  
alities  
under con-  
tract with  
Commission  
prohibited.

(2) Where it is alleged that any individual or corporation has erected or laid down upon, over or under any street or other highway in a municipality, any poles, wires, conduits or other structures or works for the transmission or distribution of electrical power or energy without the consent of the municipal corporation lawfully given under a by-law of the council thereof, or is continuing to maintain or use any such structures or works upon, over or under any such street or highway without lawful authority, the Lieutenant-Governor in Council, upon the complaint of the municipal corporation or of any ratepayer, or of the Commission, may direct an inquiry by the Ontario Municipal Board or by a commission composed of two judges of the Supreme Court, and the Board or commission may inquire into the matter, and if, as a result of the inquiry, it is found that such structures or works are upon, over or under any street or highway without lawful authority, the Board or commission may order the removal of all such poles, wires, conduits or other structures upon such notice and upon such terms and conditions as the Board or commission may deem just or reasonable, and an order made by a commission under this subsection may be filed with the registrar of the Supreme Court and shall have the same force and effect and be enforceable in the like manner as a judgment of the Supreme Court.

Proceedings  
for ascertain-  
ing rights  
where  
franchise  
claimed.

(3) Any such structure or work shall be deemed to be upon, over or under any street or highway without lawful

When work  
to be deemed  
unlawfully  
upon the  
highway.

authority where no such right or franchise is found to have existed or where the term for which the right or franchise was originally granted has expired, or where such right or franchise was not granted by by-law in compliance with the statutes relating thereto, and no such right or franchise shall be deemed to have been acquired by lapse of time or by any express or implied acquiescence on the part of the municipal corporation, company or individual formerly owning or controlling such street or highway or the lands included therein. 1930, c. 12, s. 8.

#### ENFORCEMENT OF AGREEMENTS.

Enforcement  
of agree-  
ments with  
municipal  
corporations.

**50.** Notwithstanding any provision in the contract or agreement entered into between a municipal corporation and the Commission providing for the determination of questions arising under the contract or agreement, or for the settlement of any dispute between the municipal corporation and the Commission by the Lieutenant-Governor in Council or in any other manner, the Commission may bring an action for any breach of the contract or agreement on the part of the municipal corporation, and the court may in any such action grant an injunction restraining the municipal corporation from doing any act or continuing any such breach, may order the municipal corporation to supply any omission or to do any act required to be done by the corporation under the terms of the contract or agreement, and may award to the Commission such sum as damages for any such breach as the court may consider a fitting penalty to impose upon the municipal corporation therefor. R.S.O. 1927, c. 57, s. 45.

#### POLICE VILLAGES.

Trustees of  
police village  
may contract  
with  
Commission.

**51.—(1)** The trustees of a police village shall, for the purposes of this Part, be deemed a municipal corporation, and may exercise all the powers conferred upon municipal corporations by this Part, and may enter into a contract with the Commission for the supply of electrical power or energy as provided by this Act.

Submission  
of by-law  
to electors.

**(2)** The council of the township or the councils of the townships in which the police village is situate, upon the request of the police trustees, shall submit the question as to the supply of electrical power or energy provided for by section 46, to a vote of the electors of the police village, qualified to vote thereon, and shall, upon the like request, issue debentures as provided by this Act.

(3) The council of the township in which the police village or any part thereof is situate shall annually levy by special rate upon the rateable property in the police village, or in that part of the police village situate in the township, the amounts required to meet the payments to be made to the Commission, and to pay off the debentures issued under subsection 2. R.S.O. 1927, c. 57, s. 46.

**52.**—(1) Where the trustees of a police village have entered into a contract with the Commission for the supply of electrical power or energy, and have heretofore constructed, purchased or acquired, or hereafter construct, purchase or acquire, works for distributing electrical power or energy, and the trustees of the police village desire to extend or improve such works, they may apply to the council of the township for the passing of a by-law for the issue of debentures for such extension or improvement, and the council shall pass the necessary by-law for borrowing such further sums as may be necessary for such extension or improvement, and for levying by an annual special rate upon the rateable property in the police village the sums required for the payment of the debentures issued for the extensions or improvements.

(2) The by-law shall be approved by the Commission before the final passing thereof, but shall not require the assent of the electors.

(3) The said approval may be given if it is shown to the satisfaction of the Commission that the said extension or improvement is necessary or desirable, and that sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon. R.S.O. 1927, c. 57, s. 47.

**53.**—(1) The trustees of a police village shall be a commission for the control and management of works established for the distribution of electrical power or energy in the police village, and shall have and may exercise and perform the like powers and duties as nearly as may be as a commission formed under *The Public Utilities Act* in an incorporated village.

(2) The trustees of a police village shall appoint a competent person to act as secretary-treasurer for the purpose of keeping the accounts of the trustees for the distribution and supply of electrical power or energy and acting as custodian of funds collected by the trustees or received by them from the treasurer of the township for the establishment of works in connection with the distribution of power.



Security.

(3) The secretary-treasurer shall give security for the due accounting of all sums of money coming to his hands and for the payment over to the township treasurer of the sums required from time to time to meet payments coming due for interest and to provide a sinking fund for the payment of any debentures issued for the works undertaken by the trustees under any contract with the Commission.

Audit of accounts.

(4) The accounts of the secretary-treasurer shall be audited by the auditor of the township in which the police village is situate, or if the police village includes parts of two or more townships, then by the auditor of that township having the highest assessment in the police village. R.S.O. 1927, c. 57, s. 48.

#### AREAS IN TOWNSHIPS.

Township distribution works.  
Rev. Stat., c. 286.

**54.**—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may pass by-laws,—

Lands and works.

(a) for acquiring real and personal property, and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality;

Contract with Commission.

(b) for entering into a contract with the Commission, with the assent of the municipal electors of the township qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof;

General powers.

Rev. Stat., cc. 266, 269, 286.

(c) for exercising, for the said purposes, any of the powers which may be exercised by the municipal council of a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

Areas.

(2) The council may, from time to time, with the approval of the Commission, by by-law, set apart an area in the township as to which any of the by-laws passed under subsection 1 may have effect.

Submission of by-law.

(3) The by-law for the establishment of the works mentioned in subsection 1, or for entering into the contract with the Commission, may be submitted to the municipal electors qualified to vote on money by-laws in the area so set apart.

(4) The council, with the approval of the Commission, may, from time to time, by by-law, enlarge or alter the boundaries of any such area, or incorporate with it any other such area. R.S.O. 1927, c. 57, s. 49 (1-4). Alteration of areas.

(5) Where the council has passed a by-law under subsections 2 and 3, or subsection 4, the council may issue debentures for the purposes set out in subsection 1, and levy the special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of the said debentures, in the district so set apart, or as enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures. R.S.O. 1927, c. 57, s. 49 (5); 1931, c. 13, s. 4. Debentures.

(6) The council may establish a commission for the purpose of the construction of the works, and the control and management thereof in the manner provided by section 33 of *The Public Utilities Act*, but the commissioners elected shall be residents of the district so set apart or as enlarged or altered, and it shall not be necessary to obtain the assent of the electors to the establishment of the Commission. R.S.O. 1927, c. 57, s. 49 (6). Commission for construction and management of works.

#### POWERS OF THE MUNICIPALITIES.

**55.**—(1) In addition to the powers conferred by this Act, a municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by *The Public Utilities Act* or *The Municipal Act* conferred upon corporations in respect of light and heat, and all the powers which are conferred upon corporations by *The Municipal Act* for contracting debts for any purpose within the jurisdiction of the council thereof, and also the power to expropriate land, making compensation therefor under the provisions of *The Municipal Act*. Supply of light, heat and power.

(2) The council of a municipal corporation may, if it sees fit, submit to the electors a by-law providing for borrowing, by the issue of debentures, the money required for any of the purposes mentioned or referred to in sections 46 and 51 and in this section at the same time as such council submits to the electors a question as to supply of electrical power under section 46, and such by-law for borrowing money may be finally passed either before or after such corporation By-law for borrowing money.

has entered into a contract with the Commission for the supply of electrical power or energy; but the debentures authorized by such by-law shall not be issued until the corporation has entered into a contract with the Commission for the supply of such electrical power or energy.

Supplying  
power  
outside of  
municipality.

(3) A municipal corporation which has entered into a contract with the Commission under this Act may, from time to time, with the approval of the Commission, contract with any other municipal corporation or with any person for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the council thereof. R.S.O. 1927, c. 57, s. 50.

#### CONTRACTS OF COMMISSION.

Supply of  
power.

**56.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with a railway company or a distributing company or with any other corporation or person for the supply of electrical power or energy.

Application  
of profits.

(2) Any net profit made by the Commission in supplying power under subsection 1, after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or energy is supplied, shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Agreements  
for use of  
right-of-way  
of railway,  
power and  
transmission  
companies.

(3) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission. R.S.O. 1927, c. 57, s. 51.

Approval of  
Lieutenant-  
Governor  
in Council  
not required  
to certain  
contracts.

**57.** Notwithstanding anything in section 56, it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to any contract for a supply of the Commission of electrical power or energy to any person from works which the Commission has acquired or constructed and is operating for the distribution of electrical power or energy. R.S.O. 1927, c. 57, s. 52.

Effect of  
approval  
of agree-  
ments by  
Lieutenant-  
Governor in  
Council.

**58.** Where the Commission has heretofore entered or shall hereafter enter into an agreement for the supplying of electrical power or energy or for any other work or service to



be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding. R.S.O. 1927, c. 57, s. 53.

**59.**—(1) Where the Commission supplies or distributes power directly to the consumer either on its own behalf or by arrangement or under contract with the municipal corporation, the amount payable by the owner or occupant of any building or lot, or part of lot, for the electrical power or energy supplied to him for use therein or thereon, and all rents, rates, costs and charges in connection with the service or supply of such power or energy or the installation of any works for such service or supply shall be a lien and charge upon the building or lot or part of lot in the same manner and to the same extent as municipal taxes on land, and in default of payment the clerk of the municipality, upon being notified in writing by the Commission of the sum due, shall forthwith enter the same upon the collector's roll and it shall be collected in the same manner as municipal taxes on land and upon recovery thereof shall be paid over to the Commission; provided that when a mortgage or lease of the building or lot, or part of lot, in question, has been duly registered prior to an entry upon the collector's roll as above described, the lien and charge hereby created shall rank after advances actually made under such mortgage and after rent accrued due under such lease prior to such entry.

Enforcing payment of arrears of rates and charges.  
Lien for rates to be postponed on mortgages or leases prior to entry on roll.

(2) For the purposes of this section, electrical power or energy shall be deemed to be supplied to the consumer not only when it is actually used by the owner or occupant but when it is rendered available or held in reserve for him under the terms of his contract with the Commission or the municipality. R.S.O. 1927, c. 57, s. 54.

When power deemed to be supplied.

**60.** The expenditure by the Commission upon any works undertaken under the provisions of this Act for the benefit of any municipality which has entered into a contract with the Commission shall be repayable to the Commission by such municipality. R.S.O. 1927, c. 57, s. 55.

Repayment by municipalities of expenditures.

**61.** Notwithstanding anything in any general or special Act heretofore passed or in any contract heretofore entered into, and, except where under the terms of any such contract power or energy is to be supplied to a municipal corporation at a fixed price, the price payable for power or energy

Cost of power to municipality.

by any municipal corporation shall be the cost to the Commission, as determined by it, of supplying and delivering power or energy to the corporation, including the corporation's proportion, as adjusted by the Commission, of,—

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest at the rate or rates payable by the Commission upon the money expended by, or the obligations assumed by, the Commission in the construction or purchase of works, and upon all such other expenditures as the Commission may make under the provisions of this Act and upon working capital;
- (c) an annual sum sufficient to form in forty years, with interest at four per centum per annum, a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the payment of the cost of the works and also for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works; 1928, c. 19, s. 3.
- (d) An amount to be determined by the Commission to be paid for the purposes of sections 11 and 12. 1937, c. 60, s. 11.

Collection of moneys from municipalities on sinking fund account.

**62.** Notwithstanding anything in this Act, a municipal corporation which has entered into or shall hereafter enter into a contract with the Commission for a supply of power may be relieved by the Commission from payment of any sum on account of the sinking fund account for the first five years during which payments are made to the Commission by the corporation under such contract, and the amounts required from such corporation on sinking fund account shall be payable during the then next ensuing forty years. R.S.O. 1927, c. 57, s. 57.

Extending time for payments by municipalities.

**63.** The Commission may, during the first three years after any municipality shall first begin to take power from the Commission, extend the time for payment of any sum payable by a municipality, and such municipality shall pay to the Commission interest on the amount which may be in arrear or for the payment for which time is extended until the payment thereof, at such rate not exceeding seven per centum per annum, as the Commission may determine. R.S.O. 1927, c. 57, s. 58.

**64.** Any surplus held by the Commission to the credit of any municipality may be retained by the Commission as security against future obligations to the Commission of the same municipality for so long during the continuance of the contract of the municipality as the Commission may think fit, but the Commission shall allow to the municipality interest at the rate of four per centum per annum upon the amount of such surplus retained by the Commission. R.S.O. 1927, c. 57, s. 59.

**65.** Where, by contract with the Commission, one or more municipalities have assumed the cost of the purchase of, or works for the development of, electrical energy for the supply of such municipality or municipalities under the provisions of this Act, such municipality or municipalities shall, for the purpose of this Act, be defined as a "system," and the Commission, on such conditions as may be deemed equitable or advisable, may include in any such system one or more other such municipalities, whether already part of any system or not, and may unite any two or more systems into one system, and may join in a system two or more such municipalities whether already part of any system or not, and for the purposes of this section an area set apart under section 54, or a rural power district, may be considered as a municipality. R.S.O. 1927, c. 57, s. 60.

**66.**—(1) Wherever physical connections may be made between any of the systems operating under this Act, the Commission may make the necessary connections so as to divert power from any one system to any other system, and the means of such connection, and the price to be paid by the system receiving such power to the system supplying such power, shall in all cases be determined by the Commission, and the cost of the power so taken by any one system from any other shall be dealt with by the Commission under the provisions of this Act as the cost or part of the cost of the power to be paid by the municipalities forming part of such system, under their contracts with the Commission.

(2) The price payable for power by one system to another shall be collected by the Commission from the system owing the same for the system entitled to receive the same, and all sums so paid to any system shall be applied to the cost of construction, maintenance and operation of such system in such manner as the Commission may direct. R.S.O. 1927, c. 57, s. 61.

**67.**—(1) The Commission shall annually adjust and apportion the amounts payable by municipal corporations under sections 61 to 66.



Annual  
adjustment  
of expendi-  
tures for  
municipal-  
ities.

(2) The Commission shall also annually adjust and apportion among the municipalities all such expenditures, made by the Commission in exercise of the powers conferred upon the Commission by this Act, as have been incurred for or on behalf of the municipalities.

Adjustment  
to be final.

(3) The adjustment and apportionment made by the Commission shall be final and binding upon the municipal corporations. R.S.O. 1927, c. 57, s. 62.

### PART III.

#### SUPPLY OF POWER FOR STREET LIGHTING IN TOWNSHIPS.

Petition of  
residents in  
an area  
for supply  
of power  
for street  
lighting.

**68.**—(1) A majority of the resident freeholders according to the last revised assessment roll, residing within the area described in the petition and situated in the township, may petition the council of the township to take the necessary proceedings to procure from the Commission a supply of electrical power or energy for the purpose of lighting the highways in the area described in the petition.

Certificate  
as to  
sufficiency  
of  
signatures.

(2) The petition shall be accompanied by the certificate of the clerk of the townships stating that the petition is signed by a majority of the resident freeholders in the area described in the petition as shown by the last revised assessment roll.

Application  
by council  
to the  
Commission.

(3) The council of the corporation shall thereupon request the Commission to supply electrical power or energy for the purposes mentioned in the petition.

Estimate of  
cost to be  
furnished  
on request.

(4) Upon such request the Commission shall furnish to the corporation an estimate of the cost of electrical power or energy for the purpose of lighting the highways in the area defined in the petition, and may furnish to the corporation,—

(a) plans and specifications of the works necessary for the distribution of such power or energy;

(b) an estimate of the cost of such works; and

(c) such other information as the Commission may deem advisable. R.S.O. 1927, c. 57, s. 63 (1-4).

Considera-  
tion of the  
estimates,  
etc., by the  
council.

**69.**—(1) Within one month after the delivery of the statements and estimates mentioned in section 68, the council shall, at a special meeting called for that purpose, of which

notice shall have been given to each of the petitioners, consider the statements and estimates furnished by the Commission.

(2) If at such meeting the petitioners or any of them desire to withdraw their names from the petition they may do so, and should the remaining names be insufficient to constitute a majority of the resident freeholders in the area described in the petition, no further proceedings shall be taken thereon.

(3) If, at the close of the meeting, there are sufficient names remaining of the petitioners to constitute a majority of the resident freeholders in the area described in the petition, the corporation may, without submitting a by-law to a vote of the electors, and without any of the other formalities required in the case of a by-law under Part II, pass a by-law for entering into a contract with the Commission for the supply of electrical power or energy for the purposes required by the petitioners and may enter into a contract with the Commission for that purpose. R.S.O. 1927, c. 57, s. 64 (1-3).

(4) Upon similar procedure, the corporation may, from time to time by by-law, enlarge or alter the boundaries of any such area, and thereupon the contract mentioned in subsection 3 shall apply to such area as enlarged or altered, and in the event of the enlarging of such area it shall be necessary only to have a petition from a majority of the resident freeholders in the new area; in the event of alteration of the boundaries of any such area the council, without petition, may, from time to time, by by-law, alter the said boundaries so long as such alteration does not alter by more than ten per centum the amount of the assessment upon which the special rate is raised to meet the cost as mentioned in subsections 5 and 6; in the event of any alteration reducing by more than ten per centum the amount of such assessment the petition must have a majority of the resident freeholders in the area remaining subject to such assessment. R.S.O. 1927, c. 57, s. 64 (4); 1929, c. 20, s. 6 (1).

(5) The by-law may provide for the issue of debentures of the corporation payable within twenty years from the issue thereof, to meet the cost of construction and installation of the works necessary for the distribution of the electrical power or energy, and for the levying of a special rate for payment of principal and interest, in the manner provided by *The Municipal Act*, upon the taxable property within the area described in the petition, or within such area as enlarged or altered.

Special rate  
on property  
affected.

(6) All moneys required to meet the costs incurred by the corporation under this Part shall be raised, levied and collected by an annual special rate upon the taxable property within the area described in the petition, or within such areas as enlarged or altered. R.S.O. 1927, c. 57, s. 64 (5, 6).

Council may  
assume part  
of cost.

(7) The council of the corporation may, from time to time, by by-law, without the assent of the electors, provide that the whole or such part of the said costs as to the council may seem proper shall be paid by the corporation and while the said by-law remains in force only the moneys required to meet the balance of the said costs shall be raised in the manner prescribed in subsection 6. R.S.O. 1927, c. 57, s. 64 (7); 1929, c. 20, s. 6 (2).

Street  
lighting.

Rev. Stat.  
c. 269.

(8) Notwithstanding that any street lighting in a township may have been undertaken as a local improvement under *The Local Improvement Act*, the council upon the procedure and for the purposes set out in this Part may enter into a contract with the Commission for a new area or enlarge any existing area and include in any such area the whole or any part of the lands specially assessed for the local improvements; thereafter all moneys required to meet the costs at any time incurred by the corporation in respect to street lighting in the area, whether under this Act or *The Local Improvement Act*, shall be raised, levied and collected in the manner prescribed in this Part and it shall not be necessary to levy any special rate under *The Local Improvement Act* to provide for the payments which would otherwise be levied under the said Act in respect of the lands included in the area, and only that part of the cost under *The Local Improvement Act* which is specially assessed on the lands not included in such area shall be collected under that Act. 1929, c. 20, s. 6 (3) *part*; 1931, c. 13, s. 5.

Contract,  
application  
of.

(9) Whenever the corporation shall have entered into contract with the Commission as provided in subsection 3, it shall not be necessary for the corporation to enter into a separate contract with the Commission for any other area in the township, but the corporation may pass a by-law making such contract applicable to any such other area; thereupon such contract shall apply to such other area as fully as if such area had been included in the original petition for such contract.

Extension  
of contract  
to adjoining  
areas.

(10) The council of the corporation may from time to time by by-law without the assent of the electors and without any petition as mentioned in this Part incorporate any such area with any other adjoining area in the township and the



contract with the Commission for the area with which the other area is incorporated shall apply to the whole area.

(11) Wherever any such area is wholly or partly within an area in the township set apart by the council under section 54, the contract, with the approval of the Commission, may be made with the Hydro-Electric Commission of the said area under section 54. 1929, c. 20, s. 6 (3) *part*.

Contract may be made with H.-E. C.

70. All the provisions of Part II, as to the annual payments to be made by corporations which have entered into contracts with the Commission, shall apply to contracts entered into under this Part, and shall extend to the works constructed under the last-mentioned contracts. R.S.O. 1927, c. 57, s. 65.

Annual payments to the Commission.

#### PART IV.

##### DISTRIBUTION OF POWER IN RURAL POWER DISTRICTS.

71. Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with the municipal corporation of a township, or with the municipal corporations of two or more townships, for the supply and distribution by the Commission of electrical power or energy in the township or townships, and the Commission may, with the approval of the corporation, lay out and define areas, hereinafter called "rural power districts," in the township or townships for the distribution of electrical power or energy, and the Commission may, on behalf of the corporation,—

Contracts for supply of power.

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to, and the transforming and distributing in, any such rural power district of electrical power or energy;
- (b) supply electrical power or energy to customers of the corporation in any such rural power district;
- (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell electrical power or energy to any such customer or at any premises within such rural power district;

and the Commission may unite any two or more rural power districts in one rural power district and may join into a rural power district or may include in a rural power district one or more townships or any part or parts thereof whether already part of any rural power district or not and may alter

Alteration of boundaries.

the boundaries of any rural power district. R.S.O. 1927, c. 57, s. 66; 1937, c. 60, s. 12.

Right of  
park board  
to contract  
for power.

**72.**—(1) Subject to the approval of the Lieutenant-Governor in Council, where any Act of this Legislature sets apart lands as a park, and provides for the appointment of a board of commissioners therefor, and makes such board of commissioners a body corporate, such board may purchase from the Commission electrical power or energy for use within the park, and may sell electrical power or energy to customers therein and execute contracts accordingly and the Commission may contract with the board to supply and distribute such electrical power or energy.

When park  
to be rural  
power  
district.

(2) Upon the execution of a contract between the Commission and any such board, the Commission may make any such park a rural power district or part of a rural power district or incorporate the whole or any part of such park in any rural power district and the provisions of this or any other Act applying to a rural power district shall be applicable. 1937, c. 60, s. 13.

Commission  
may take  
over existing  
distribution  
system.

**73.** Whenever the municipal corporation of any such township at the time of entering into the contract has been operating a distribution system for distributing electrical power or energy to inhabitants of the township, or has a contract with the Commission for a supply of electrical power or energy under any other Part of this Act, the Commission, with the approval of the municipal corporation, may take over, acquire, reconstruct, extend and operate such distribution system, and may perform, enjoy and enforce the contracts with the customers thereof, and may incorporate such system in a rural power district. R.S.O. 1927, c. 57, s. 67.

Police village  
not to be  
deemed  
separate  
corporation.

**74.** Notwithstanding anything in this Act, a police village the trustees of which have not a subsisting contract with the Commission, shall not be considered a separate corporation from the township or townships out of which it was formed for the purposes of this Part. R.S.O. 1927, c. 57, s. 68.

Assent of  
electors not  
required to  
contract.

**75.** The council of the township or the council of each of the townships entering into a contract under section 71 or section 73 may pass a by-law for entering into such contract, and the corporation of the township may execute the contract, and it shall not be necessary to submit any such by-law to the vote of the electors or to comply with any of the other formalities required in the case of a by-law under Part II. R.S.O. 1927, c. 57, s. 69.

**76.**—(1) The Commission may enter into an agreement <sup>Agreement as to supplying power.</sup> or agreements with His Majesty the King in right of the Province of Ontario providing for the supply and distribution of electrical power or energy by the Commission on behalf of the Province in unorganized townships, in Provincial Parks and in other territory without municipal organization and including under any such agreement from time to time any one or more of the areas that may be defined under subsection 2, and any such agreement, when executed by the President of the Executive Council of Ontario, representing His Majesty, and by the Commission, shall be valid and binding on His Majesty in right of the Province of Ontario and on the Commission respectively.

(2) Subject to the approval of the Lieutenant-Governor <sup>Commission may define areas.</sup> in Council, the Commission may define areas in unorganized townships, in Provincial Parks and in other territory without municipal organization; the Commission may make any such area or areas a rural power district or part thereof, or part of an existing rural power district; the Commission may alter, enlarge or diminish any such area and may incorporate the whole or any part of any such area in any other rural power district, but before adding to any area land not previously included in any area, the approval of the Lieutenant-Governor in Council shall first be obtained; for the purposes of this section a rural power district shall include any such district established under this section or under section 71.

(3) Subject to agreement under subsection 1, the Com- <sup>Supply of power.</sup> mission may, on behalf of the Province,—

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

(4) Save as in this section provided, all other provisions <sup>Deemed rural power.</sup> in relation to rural power districts in this or any other Act shall apply to each such area and the distribution and supply of electrical power or energy therein. 1935, c. 54, s. 8.



Application  
of Part II as  
to annual  
payments.

**77.** All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district. R.S.O. 1927, c. 57, s. 70.

Rates to be  
fixed by  
Commission.

**78.** The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission, and shall be sufficient to provide the sum necessary to pay all the charges to be borne by the corporation under section 77. R.S.O. 1927, c. 57, s. 71.

Apportion-  
ment of  
cost on  
annual  
adjustment.

**79.** The Commission shall annually fix, adjust and apportion the cost of all the works mentioned in sections 71 and 73 to be borne by each of the municipal corporations entering into such contract. R.S.O. 1927, c. 57, s. 72.

#### STREET LIGHTING IN RURAL POWER DISTRICTS.

Lighting of  
highways.

**80.—(1)** A corporation which has entered into a contract with the Commission under this Part may, under procedure similar to that provided in Part III of this Act, enter into a contract with the Commission for the lighting by the Commission of highways in any area in a rural power district, and in pursuance of such contract, the Commission may, on behalf of the corporation, acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways in such area, and the by-law of the corporation need not provide for the issue of debentures of the corporation to meet the cost of construction and installation of the works necessary for the distribution of the electrical power or energy. R.S.O. 1927, c. 57, s. 73 (1); 1929, c. 20, s. 7 (1).

Where areas  
enlarged.

**(2)** Under similar procedure the corporation, with the approval of the Commission, may enlarge or alter the boundaries of any such area within any rural power district, and thereupon the contract mentioned in subsection 1 shall apply to such area as enlarged or altered.

Street  
lighting  
works.

**(3)** All the works mentioned in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in the rural power district.

Part II to  
apply.

**(4)** All the provisions of Part II as to the annual payments to be made by the corporations which have entered into

contracts with the Commission shall apply to a contract entered into under this section and shall extend to all works constructed under such contract.

(5) All moneys required to meet the costs incurred by the corporation under this section shall be raised, levied and collected by an annual special rate upon the taxable property lying within the area described in the petition, or within such area as enlarged or altered. R.S.O. 1927, c. 57, s. 73 (2-5). <sup>Raising of moneys.</sup>

(6) The council of the corporation may from time to time by by-law provide that the whole or such part of the said costs as to the council may seem proper shall be paid by the corporation and be chargeable to the municipality as a whole and while the said by-law remains in force only the moneys required to meet the balance of the said costs shall be raised in the manner prescribed in subsection 5, and the assent of the electors shall not be required to any such by-law. 1928, c. 19, s. 5; 1929, c. 20, s. 7 (2). <sup>Street lighting in areas in rural power districts.</sup>

(7) Whenever the corporation shall under Part III have entered into a contract with the Commission for the supply of electrical power or energy for the purposes required by the petitioners in any area, the corporation, without a petition or any of the other preliminary proceedings provided in the said Part III, may by by-law enter into a contract with the Commission for lighting the highways in the said area under this Part and thereafter all the provisions of this Part shall apply to the said area and the lighting of the highways therein in lieu of the provisions of the said Part III. <sup>Lighting highways in local areas.</sup>

(8) Subsections 8, 9 and 10 of section 69 shall apply *mutatis mutandis* to any contract and to any area under this section. 1929, c. 20, s. 7 (3). <sup>Application of subss. 8 to 10 of s. 69.</sup>

## PART V.

### CONTROL AND REGULATION BY COMMISSION.

81. In this section and in sections 82, 83 and 85,—

<sup>Interpretation.</sup>

(a) "corporation" shall mean and include a municipal corporation, an incorporated company, or an individual or firm duly authorized by municipal by-law or agreement to construct and operate works for conducting, furnishing or distributing electricity for light, heat or power purposes in, under or upon any highway, and shall include any board or com- <sup>"Corporation."</sup>

mission incorporated or unincorporated acting on behalf of a municipal corporation or of the inhabitants of a municipality;

"Highway."

(b) "highway" shall include a street, lane, road, square or other public communication;

"Works."

(c) "works" shall include wires, pipes, poles, conduits, ducts and other fixtures, appliances or apparatus. R.S.O. 1927, c. 57, s. 74.

Approval of  
distributing  
works.

**82.**—(1) Where a corporation has constructed or desires to construct works for conducting, furnishing or distributing electricity for light, heat or power purposes, in, under or upon any highway, or part of a highway, in, under, or upon which any other corporation has already constructed and has works for the like purposes, or any of them, upon the application of the first mentioned corporation and after notice to the other and hearing any objections which it may make, the Commission may, if it is of opinion that the location and mode of construction of such works are proper, approve thereof, and all works which such first mentioned corporation has constructed or may thereafter construct, the location and mode of construction of which have been so approved, shall be deemed to have been constructed under statutory authority and to be lawfully constructed, and may be maintained and operated by such corporation without its incurring any liability to any other corporation in respect of the construction, maintenance or operation of such works, except that provided for by section 83, any statute or law to the contrary notwithstanding.

Approval  
upon con-  
ditions.

(2) Such approval may be given subject to such conditions as the Commission may deem necessary to prevent injury to the works of the other corporation, or to its works, servants or workmen in maintaining, repairing or operating them.

Insulation.

(3) Where the Commission is of opinion that it is necessary or expedient, in order to prevent danger from contact between the wires of different corporations or from any other cause, that insulators or other appliances should be affixed to the poles of either corporation, or that the wires of either of them should be attached to such insulators or other appliances, the Commission may authorize or direct such insulators or other appliances to be so affixed and such wires to be so attached in such manner as the Commission may deem best calculated to prevent such danger, and anything done by either corporation pursuant to such authority or direction shall be deemed to be lawfully done.



(4) Any thing authorized or directed to be done under the provisions of subsection 3 shall be done at the expense of a corporation constructing the works in a locality in which works have already been constructed by another corporation and under such supervision as the Commission may direct. Works to be done at expense of initiating corporation.  
R.S.O. 1927, c. 57, s. 75.

**83.**—(1) If any damage or injury is done to the works of a corporation or any of them, or is occasioned in the maintenance or operation of them, by reason of the works of another corporation or any of them being constructed or operated in closer proximity to the works of such first mentioned corporation than, but for the provisions of section 82, would have been lawful, no action shall lie in respect thereof, but the corporation doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned or as to the amount of the compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* with respect to arbitration in the case of claims against municipal corporations shall apply *mutatis mutandis* to the procedure upon an arbitration under this section. Claims for damages by one corporation against another.  
Rev. Stat. c. 266.

(2) The corporation claiming damages shall, within one month after the expiration of any calendar year in which it claims that any such damage or injury has been so done or occasioned, give notice in writing to the other corporation of its claim and of the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. Notice of claim.  
R.S.O. 1927, c. 57, s. 76.

**84.** The Commission shall have exclusive jurisdiction as to all matters in respect of which authority is, by sections 81, 82 and 83, conferred upon it, and nothing done by the Commission within its jurisdiction shall be open to question or review in any action or proceeding or by any court. Exclusive jurisdiction of Commission.  
R.S.O. 1927, c. 57, s. 77.

**85.** No court shall have authority to grant or shall grant an injunction or other order restraining, either temporarily or otherwise, the construction, maintenance or operation of any works the location and mode of construction of which have been approved by the Commission if such works are being, or have been, constructed in the place and according to the mode which have been so approved. Jurisdiction of courts ousted.  
R.S.O. 1927, c. 57, s. 78.

Complaints  
as to rates  
charged for  
light, heat  
or power.

**86.**—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting a bonus by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter of the complaint, and such notice of the appointment as the chairman may direct shall be given by the secretary of the Commission to such persons as the chairman may direct.

Hearing of  
complaints.  
Regulation  
of rates.

(2) At the time and place appointed the Commission or a member thereof shall hear and determine the matter of the complaint, and may dismiss or allow the complaint, and may regulate and determine the rates to be charged, and may direct the amendment of any by-law, or agreement accordingly, or may make such order as may seem meet.

Powers of  
Commission  
on inquiry.  
Rev. Stat.,  
c. 19.

(3) The Commission, or the member thereof hearing the complaint, shall have all the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1927, c. 57, s. 79.

Regulations  
as to,—

**87.**—(1) The Commission may, with the approval of the Lieutenant-Governor in Council, make rules and regulations:

Construction  
of works, etc.

(a) prescribing the design, construction, installation, protection, use, maintenance, repair, extension, alteration, connection and disconnection of all works and matters used or to be used in the generation, transformation, transmission, distribution, delivery or use of electrical power or energy in Ontario;

Use of  
works until  
authorized.

(b) prohibiting the use in Ontario of any such works or matters until they shall have been inspected and approved;

Advertising  
or sale of  
works in un-  
authorized  
manner.

(c) prohibiting the advertising, display, offering for sale, or other disposal, and the sale or other disposal, publicly or privately, in Ontario, of any such works or matters unless and until they shall have been inspected and approved, and prescribing the precautions to be taken in the sale or other disposal of such works or matters and the warnings and instructions to be given to purchasers and others

in advertisements and by circular or otherwise in order to prevent their use in such manner or under such conditions as may be likely to result in undue hazard to persons or property;

- (d) providing for the inspection, test and approval of all such works and matters before being used for any such purposes. Inspection, test and approval.

(2) The Commission may prepare and issue plans and specifications governing the design, construction and test of any of the works or matters mentioned in subsection 1, and may amend or alter such plans and specifications. Issuing of plans and specifications.

(3) The Commission may issue such orders relating to work to be done in the installation, removal, alteration, repair, protection, connection or disconnection of any of the works or matters mentioned in subsection 1 as the Commission may deem necessary for the safety of the public, or of workmen, or for the protection of property. Orders relating to installations, alterations, etc.

(4) The Commission may appoint such inspectors and other officers as it may deem necessary for the purposes of this section. Appointment of inspectorial staff.

(5) The Commission may prescribe the fees to be paid for permits and for inspection, test and approval of all such works and matters mentioned in subsection 1 and of plans and specifications relating thereto, and may prescribe also the time and manner of payment of such fees. Fees for permits, inspection, test and approval.

(6) The Commission shall collect the fees prescribed by it under the authority of subsection 5, and shall provide for the remuneration, travelling and other expenses of the said inspectors and other qualified persons, together with all other expenses incurred in carrying out the provisions of this section, out of the said fees and out of any fines imposed for breach of any of the provisions of this section or of any rules, regulations, plans, specifications or orders made under the authority thereof, and out of the funds appropriated for carrying out the work of the Commission. Collection and disposition of fees and fines.

(7) Every inspector appointed under the authority of this section may, at any reasonable hour, enter upon, pass over or through any land, building or premises for the purpose of performing the duties assigned to him under the authority of this section. Powers of inspectors.



## Liability.

(8) Nothing in this Act or in any of the rules or regulations, plans, specifications or orders issued under the authority of this section shall render the Commission or any of its inspectors or other employees liable, or shall affect the liability of any municipal or other corporation or commission, company, firm or individual, for any injury, loss or other damages caused to any person or property by reason of defects in any of the works or matters mentioned in this section or by reason of any order of the Commission, notwithstanding any inspection or test or the issue of any certificate by the Commission or by any of its inspectors or other employees.

## Penalties—

(9) Every municipal or other corporation or commission, and every company, firm or individual,—

## For interference;

(a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of his duty under this section shall incur a penalty of not less than \$10 or more than \$50 for each offence;

## For disobedience to regulations;

(b) refusing or neglecting to comply with the provisions of this section, or with any rule or regulation, plan or specification made under the authority thereof, shall incur a penalty of not less than \$10 or more than \$50 for each offence;

## For disobedience to order.

(c) refusing or neglecting to comply with any order issued by the Commission under the authority of subsection 3 shall incur a penalty of not less than \$100 or more than \$500 and a further penalty of not less than \$100 or more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued.

## Recovery of penalties.

Rev. Stat.,  
c. 136.

(10) The penalties imposed by or under the authority of this section shall be recoverable under *The Summary Convictions Act* and shall be paid over to the Commission.

## Section not to apply to mines.

Rev. Stat.,  
c. 47.

(11) This section shall not apply to any mine as defined under *The Mining Act*, save only as regards any dwelling house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral. R.S.O. 1927, c. 57, s. 80.

## Proving regulations as to installations, etc.

(12) The regulations passed pursuant to this section may be approved by the production of a copy of such rules and regulations, certified to by the secretary and bearing the seal of the Commission and the production of such certified copy

bearing the seal of the Commission shall be *prima facie* evidence of the due execution thereof by the said secretary. 1931, c. 13, s. 6.

88.—(1) A municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall not pass any by-law for the issue of debentures, or borrow money by other means, for any extension or improvement to an electrical light, heat or power system without having first obtained the assent of the Commission to the amount of such issue and borrowing and the purposes to which the proceeds of such issue are to be applied.

Debentures for extension or improvement not to be issued without approval of Commission.

(2) Every member of the council of the municipal corporation passing a by-law in contravention of subsection 1 shall be personally responsible for any loss or expense occasioned to the corporation by such action unless he shows that he voted against the passing of such by-law or did everything in his power to prevent the passing of the by-law.

Liability of members of council.

(3) Every by-law passed in contravention of subsection 1 shall be illegal and void, and the Commission may take the same proceedings for quashing such by-law, or restraining the corporation from issuing debentures thereunder, as might be taken by a ratepayer of the municipality.

By-law to be void.

(4) This section shall have effect, notwithstanding the provisions of any other general or special Act, heretofore enacted relating to any municipal corporation. R.S.O. 1927, c. 57, s. 81.

Section to have effect notwithstanding other enactments.

(5) The provisions of this section shall not apply to any by-law or by-laws authorizing the issue of debentures to defray the cost of, or to repay temporary loans incurred in connection with any works mentioned in subsection 1, when the estimated cost of such works and the borrowing of such estimated cost has been approved by the Commission and the principal amount of the debentures so authorized does not exceed the estimated cost aforesaid by more than five per cent.

Issue of debentures when Commission approves estimated cost.

(6) Equipment, plant and works constructed and erected on petition only as defined in clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall not be deemed extensions or improvements within the meaning of this section. 1931, c. 13, s. 7.

Restriction as to application of local improvement by-law.

Rev. Stat., c. 269.

89.—(1) The rates chargeable by any municipal corporation generating or receiving and distributing electrical power

Rates to be approved.

or energy shall at all times be subject to the approval and control of the Commission, and the rates charged by any company or individual receiving power from the Commission for the supply of electrical power or energy shall at all times be subject to such approval and control. R.S.O. 1927, c. 57, s. 82.

Powers as to  
fixing municipal  
rates.

(2) Notwithstanding anything in this Act contained, the Commission may from time to time, when in its opinion it is in the interests of the municipal corporations under contract with the Commission so to do, make orders fixing the rates to be charged by the corporation or commission of any municipality having a population of less than 200,000 for electrical power or energy supplied by the Commission.

Where  
amount  
collected  
proves  
insufficient.

(3) In a municipality where the rates fixed by the Commission under subsection 2 above prove insufficient to provide for the costs of supplying electrical power or energy in such municipality, the Commission may charge the deficit to the stabilization fund account and may from time to time impose such terms as to repayment of the amount so charged together with interest thereon, or any part thereof, or may relieve the municipality from obligation to repay the same to such extent as to the Commission may seem just and equitable. 1930, c. 12, s. 10.

System of  
bookkeeping,  
etc.

**90.** The Commission may prescribe a system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of any municipal corporation or municipal commission, and may require from such municipal corporation or commission such returns and statements as the Commission may deem proper, and may extract from such books, returns and statements such information as in the opinion of the Commission may be useful for publication and may embody such information in the reports of the Commission. R.S.O. 1927, c. 57, s. 83.

Jurisdiction  
of Ontario  
Municipal  
Board.

Rev. Stat.,  
c. 60.

**91.** Section 80 of *The Ontario Municipal Board Act* shall not apply to municipal corporations or municipal commissions which are subject to the provisions of sections 89 and 90 of this Act in so far as the said sections relate to the development or distribution of electrical power or energy. R.S.O. 1927, c. 57, s. 84.

Insurance  
by municipal-  
ities.

**92.—**(1) Every municipal corporation and municipal commission having a contract with the Commission for the supply of electrical power or energy shall maintain insurance against loss or damage to the person and property of em-



ployees and others occurring during the course of the operations of such corporation or commission.

(2) The insurance shall be for such amount and upon such <sup>Amount</sup> terms and conditions as the Commission may direct and <sup>and terms.</sup> approve.

(3) In lieu of such insurance, such corporation or commission may, with the approval of the Commission, establish a <sup>Insurance fund.</sup> fund sufficient, in the opinion of the Commission, to protect such corporation or commission against any such loss or damage.

(4) The Commission, at the request of any municipal corporation or commission, may enter into a contract with an insurance corporation for effecting such insurance on behalf of the municipal corporation or commission as may be required under the provisions of subsections 1 and 2, anything in <sup>Group insurance for municipalities.</sup> *The Insurance Act*, or any other general or special Act to the contrary notwithstanding, and the cost of insurance so effected by the Commission in default of payment shall be chargeable to the municipal corporation or commission as part of the cost of power payable by the municipal corporation or commission under section 61. R.S.O. 1927, c. 57, s. 85. <sup>Rev. Stat., c. 256.</sup>

**93.** Where it appears to the Commission, upon the examination of the accounts of any municipal corporation or municipal commission receiving power from the Commission under a contract between the municipal corporation and the Commission under this Act, that there are arrears due and owing for electrical power or energy supplied by the municipal corporation or municipal commission, or for rents, rates, costs and charges in connection with the service or supply of such power or energy or for the installation of any works for such service or supply, and that the municipal corporation or municipal commission has not taken the necessary proceedings for the collection of such arrears, the Commission may give, in writing, such directions as it may deem proper, signed by the chairman or secretary, for the collection of the arrears by any method by which they may be collected, and it shall be the duty of the municipal corporation or municipal commission forthwith after receiving such directions to take all proceedings necessary to carry them into effect. R.S.O. 1927, c. 57, s. 86. <sup>Collection of arrears on direction from Commission.</sup>

**94.** Where a municipal corporation or a municipal commission receiving electrical power or energy from the Commission under a contract made with the Commission in pursuance of the provisions of this Act,— <sup>Offences and penalties.</sup>

- (a) supplies electrical power or energy to any person upon terms and at rates other than those which have been approved of by the Commission;
- (b) grants to any person to whom electrical power or energy is supplied by the municipal corporation or commission, special terms by way of bonus or otherwise as to the rates to be paid for electrical power or energy, or as to the terms at which they are to be supplied;
- (c) neglects or refuses to carry out any direction of the Commission given under section 93;
- (d) by any means whatsoever, directly or indirectly reduces the cost of electrical power or energy to any individual, firm or corporation so that it is supplied to such individual, firm or corporation at a lower rate or upon better terms than those approved of by the Commission;
- (e) fails to keep accounts in the manner prescribed by the Commission or makes improper entries therein, or charges against any account items not properly chargeable thereto;

Disquali-  
fication of  
councillor  
or com-  
missioner.

such municipal corporation or municipal commission shall be guilty of an offence, and every member of the municipal council of such municipal corporation or every member of the municipal commission, as the case may be, shall be disqualified from sitting and voting in the council or from election thereto, or from acting as a member of the municipal commission or being appointed thereto, and from holding any other municipal office for a period of five years from the date of judgment or order declaring his disqualification, and proceedings may be taken against him in the same manner as in the case of a member of a municipal council who has become disqualified or has forfeited his seat under the provisions of *The Municipal Act*; provided that no member of the municipal council or of the municipal commission, as the case may be, shall be found to be so disqualified who proves to the satisfaction of the court or judge before whom the application for a declaration of his disqualification is made, that he was not a party to the offence and that he did everything in his power to prevent the commission of the offence. R.S.O. 1927, c. 57, s. 87.

Proviso.

Rev. Stat.,  
c. 266.

When  
default made  
Commission  
may take  
action.

**95.** When a municipal corporation or a municipal commission neglects or refuses to carry out any of the provisions of this Act, or any direction or regulation lawfully given or made hereunder, the Commission, if it deems it necessary or

desirable so to do, may appoint some person to do whatever is necessary to remedy such neglect or default and to comply with this Act or any such direction or regulation, and the reasonable and proper costs and charges incurred by the Commission in so doing shall be a debt due and payable by the municipal corporation or municipal commission to the Commission and shall be added to and shall be chargeable and collected with the charges set out in section 61. R.S.O. 1927, c. 57, s. 88.

**96.**—(1) Whenever it appears from the accounts of a municipal corporation or municipal commission that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and, in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, there is a surplus at the credit of the municipal corporation or municipal commission, such surplus shall be applied and disposed of, in such manner as the Commission may by general regulation or special order direct,—

When accounts of corporation show a surplus.

Application of surplus,—

- (a) in the reduction of any indebtedness incurred with respect to the construction and equipment of such works; or, In reduction of indebtedness;
- (b) in purchasing or otherwise acquiring a site, and erecting thereon buildings, for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality; In erection of office buildings, etc.;  
In erection of larger building than required and leasing part for other utilities;
- (c) in the maintenance, repair or renewal thereof; or In maintaining, repairing and extending works;
- (d) in the extension of such works; or
- (e) in the formation of a fund to be used at a future time for any of such purposes;



To general purposes of municipal corporation.

- (f) to the extent to which such surplus is derived from the supply of electrical power or energy for the public buildings of the corporation or the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility owned and operated by the corporation,—by payment over of such surplus, or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

Application of section notwithstanding special provisions.

- (2) Subsection 1 shall apply to every municipal corporation or municipal commission which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act.

Liability for mis-application of surplus.

- (3) Any member of the council of a municipal corporation, and any member of a municipal commission, who is in any manner a party to any other disposition of such surplus than that directed by the Commission, shall forfeit his office, and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality.

Rev. Stat., c. 266.

Disqualification.

- (4) If it is found upon such proceedings that such member of the municipal council or commission has forfeited his office, he shall be disqualified from holding any municipal office for a period of two years thereafter. R.S.O. 1927, c. 57, s. 89.

Orders of Commission.

- 97.** A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order or direction of the Commission or of a member thereof made under section 86, or of the Commission made under sections 87, 89, 90, 92, 93, 94 and 96, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario the sum of \$100 for every day during which such neglect or refusal shall continue. R.S.O. 1927, c. 57, s. 90.

Penalty for disobeying.

Ordering wires under ground.

- 98.**—(1) Where the Commission is of opinion that it is necessary or expedient for the protection of life or property, or for the convenience of the public, that the use of overhead lines upon any highway or part thereof in a city or town, including the wires of telegraph, telephone, electric light, heat or power companies, should be discontinued, the Commission may so direct, and, upon such terms and subject to such conditions as it may prescribe, may require that such

wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate any right to carry lines or poles in such city or town which may have been given by any Act or by any municipal by-law, license or agreement.

Municipal  
wires.

(2) In this section, as in sections 99 to 103,—

Interpreta-  
tion.

- (a) "lines" shall mean and include the wires, cables or other conductors used for the purpose of conveying or distributing electricity or electrical power or energy, for telegraph, telephone or electric light, heat or power purposes; "Lines."
- (b) "company" shall include a municipal corporation or municipal commission, a partnership and an individual, owning, leasing, using or controlling lines in a city or town. R.S.O. 1927, c. 57, s. 91. "Company."

**99.** Where the corporation of the city or town is willing to undertake the construction of a tunnel or conduits or other system for carrying lines underground in any highway or part thereof, the Commission, upon such terms and subject to such conditions as it may prescribe, may require all companies whose lines are carried overhead upon any such highway or public communication to make use of such tunnel or conduits or other system for the purpose of carrying their lines, and to pay to the corporation such compensation for the use thereof as may be agreed upon or as the Commission may determine, and such compensation may be either a lump sum or a sum to be paid annually or periodically as the Commission may determine and direct. R.S.O. 1927, c. 57, s. 92.

Construction  
of tunnel by  
municipal  
corporation.

**100.** Where the corporation of a city or town desires to construct a tunnel, conduits or other system for the purpose mentioned in section 99, the corporation may do so and may exercise in respect thereof the powers of expropriation conferred upon the corporation by *The Municipal Act*. R.S.O. 1927, c. 57, s. 93.

Powers of  
corporation  
of city or  
town.

Rev. Stat.,  
c. 266.

**101.** All works undertaken under the provisions of sections 99 and 100 shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged or improved to the satisfaction of the Commission and as it may direct. R.S.O. 1927, c. 57, s. 94.

Work to be  
subject to  
direction of  
Commission.

**102.** If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines, poles and other structures in connection therewith upon the

Overhead  
lines, dis-  
obedience  
of orders  
respecting.

highway shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the Commission and at the expense of the owner or user of them, and the company owning or using such lines shall incur a penalty of \$100 for each day during which the order of the Commission is disobeyed. R.S.O. 1927, c. 57, s. 95.

Underground lines.

Joint order by Commission and Dominion Railway Board.

**103.** - (1) Where lines, the construction or operation of which is authorized by this Legislature, and lines the construction of which is authorized by the Parliament of Canada, run through or into the same city or town, and the corporation of such city or town is desirous of having such lines placed underground, the Commission and the Board of Railway Commissioners for Canada may, after the receipt of the applications hereinafter mentioned, by joint session or conference in conformity with the practice to be established by them, hear and determine the application, and may order, on such terms and conditions as they may prescribe, any company constructing or operating lines in the city or town to place such lines underground, and may abrogate any right to carry lines on poles in such city or town, which may have been given by any Act or municipal by-law, license or agreement.

Filing applications for order.

(2) Any such company, or any municipal corporation or other public body, or any person interested, may file with the secretary of the Commission, and with the secretary of the Board of Railway Commissioners for Canada, the application for an order under this section, together with evidence of the service of such application upon the companies interested or affected, and where the application is not made by the municipal corporation, upon the head of the municipality within which the lines are situate.

Rules of procedure.

(3) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may make rules of procedure and practice covering the making of such applications and the hearing and disposition thereof.

Membership of joint board.

(4) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may from time to time assign or appoint from each body the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise.

Enforcement of orders.

(5) Any such order may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as any rule, order or decree of such court. R.S.O. 1927, c. 57, s. 96.



## PART VI.

## MUNICIPAL COMMISSIONS.

**104.**—(1) Except as provided in this section, notwithstanding anything in any general or special Act, subsection 3 of section 35 of *The Public Utilities Act* shall apply in every city and town which has entered into a contract with the Commission for the supply of electrical power or energy, and a commission shall be established under the provisions of Part III of *The Public Utilities Act* for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy. R.S.O. 1927, c. 57, s. 97 (1); 1931, c. 13, s. 8 (1).

Municipal commission to be established in every city or town under contract with Commission.  
Rev. Stat., c. 286.

(2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Late Majesty, King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city to hold office for two years and until his successor is appointed, and the third of whom shall be appointed by and shall hold office during the pleasure of the Commission. 1935, c. 54, s. 9 (1).

Municipal commission—how composed in city of 60,000 or over.

**105.**—(1) No member or officer of any commission appointed or elected for the control and management of the construction, operation and maintenance of works undertaken by a municipal corporation for the distribution and supply of electrical power or energy received from the Commission shall, directly or indirectly,—

Members of municipal commission not to be interested in certain companies, etc.

- (a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security or property of any company, firm or individual engaged in the generation, distribution or supply of electrical power or energy in the municipality or holding or controlling works for that purpose. R.S.O. 1927, c. 57, s. 98 (1), cl. (a); 1929, c. 20, s. 8 (1).

- (b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as part of the equipment required in the generation, distribution, supplying or use of electrical power or energy; R.S.O. 1927, c. 57, s. 98 (1), cl. (b); 1929, c. 20, s. 8 (2).
- (c) act as director, officer or employee of any company referred to in clause *a*, or having any interest referred to in clause *b*, or act as trustee, agent or representative of any firm or individual in respect of any business or interest referred to in clause *a* or clause *b*. 1931, c. 13, s. 9.

Municipal commissioners to part with any such property devolving on them.

(2) If any such stock, share, bond, debenture or other security, property, device, appliance, machine, patented process or article, or any part thereof or any interest therein, shall come to or vest in any member or officer of a municipal commission by will or succession for his own benefit, he shall, within three calendar months after the same shall so come to or vest in him, absolutely sell and dispose thereof, and of his interest therein.

Not to be directors or officers of companies dealing in electrical supplies.

(3) No member or officer of any such municipal commission shall act as director or officer of any company which has power to invest any portion of its funds in the securities of a company generating, distributing or supplying electrical power or energy or any appliance therefor in the same municipality.

Disqualification of member of municipal commission.

(4) Every member or officer of a municipal commission who contravenes any of the provisions of this section shall forfeit his office, and shall be disqualified and incapable of being elected or appointed to any such municipal commission or to any other municipal office for a period of two years, and the like proceedings may be taken by the Commission or by a ratepayer against any such member or officer to remove him from his office or declare his disqualification, as may be taken by a ratepayer for the removal or disqualification of a member of a municipal council who has become disqualified for sitting and voting therein, but the Commission shall not be required to furnish security for costs. R.S.O. 1927, c. 57, s. 98 (2-4).

Certain persons ineligible in cities of 100,000 or over.

(5) Where the corporation of a city having a population of 100,000 or over has entered into a contract with the Commission for a supply of electrical power or energy and a commission has been appointed under any general or special Act for the control and management of works for the distribution of such electrical power or energy, no person shall be qualified to be appointed to or to act as a member of such commission who

is a member of any other commission controlling or managing any other public utility or any railway or street railway in the said city. R.S.O. 1927, c. 57, s. 98 (5), *part*.

(6) Notwithstanding anything herein contained, this section shall not apply to an officer or employee of any such municipal commission who patents a device, appliance, machine, process or article of his own invention with the knowledge and permission of such municipal commission and the Commission. 1929, c. 20, s. 8(3).

**106.** Where, by this Act or by any contract heretofore or hereafter entered into between the Commission and a municipal corporation, duties are imposed upon or covenants or undertakings are entered into by the municipal corporation, they shall extend to and be deemed to include and shall be binding upon any commission having the management or control of any public utility or other municipal undertaking for and on behalf of the municipal corporation, and any board of education, board of high school trustees or board of public school trustees appointed or elected for the municipality represented by the municipal corporation. R.S.O. 1927, c. 57, s. 99.

## SCHEDULE A

(Referred to in section 15)

1927.....	\$1,338,567
1928.....	1,392,110
1929.....	1,447,795
1930.....	1,505,706
1931.....	1,565,935
1932.....	1,628,572
1933.....	1,693,716
1934.....	1,761,464
1935.....	1,831,922
1936.....	1,905,199
1937.....	1,981,406
1938.....	2,060,663
1939.....	2,143,090
1940.....	2,228,813
1941.....	2,317,966
1942.....	2,410,684
1943.....	2,507,111
1944.....	2,607,396
1945.....	2,711,691



1946.....	\$2,820,159
1947.....	2,932,965
1948.....	3,050,284
1949.....	3,172,296
1950.....	3,299,187
1951.....	3,431,156
1952.....	3,568,401
1953.....	3,711,137
1954.....	3,859,582
1955.....	4,013,966
1956.....	4,174,525
1957.....	4,341,505
1958.....	4,515,166
1959.....	4,695,772
1960.....	4,883,603
1961.....	5,078,948
1962.....	5,282,106
1963.....	5,493,390
1964.....	5,713,125
1965.....	5,941,650
1966.....	6,179,317

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S 127,198,046

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R.S.O. 1927, c. 57, Sched.